

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

Consolidated Case No. 4:19-cv-00300-RH-MJF

KELVIN LEON JONES, et al.,  
Plaintiffs,

v.

RON DeSANTIS, in his official  
capacity as Governor of Florida,  
et al.,

Defendants.

~~~~~

DEPOSITION OF MARIA MATTHEWS

Pages: 1-223

Friday, September 13, 2019  
9:02 a.m. - 4:06 p.m.

Hopping Green & Sams, P.A.  
119 South Monroe Street

Tallahassee, Florida 32301

Job No: 167639

STENOGRAPHICALLY REPORTED BY:

Tamra K. Piderit, FPR, RPR, RMR, RDR, CRR

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## EXHIBITS

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| Exhibit 1 | FCEP Records Maintenance<br>DOSG-0000463 - 0000510                                                                                                | 36   |
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| Exhibit 3 | 12/04/18 email to Amber Marconnet<br>from Toshia Brown; RE: Amendment 4<br>and current felon's facing removal<br>from voter rolls<br>DOSG-0013257 | 69   |
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| Exhibit 7  | 03/29/19 email to Maria Matthews<br>from Alexander Mosca; Subject:<br>FW: Please review SB 7086 -<br>Voting Rights Restoration<br>DOSMcC-0001025  | 99   |
| Exhibit 8  | 03/29/19 email to Toshia Brown<br>from Maria Matthews; Subject:<br>Fwd: SB 7086 - Voting Rights<br>Restoration<br>DOSG-0002805                    | 99   |
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| Exhibit 12 | 08/29/19 email to Richard and<br>others from Maria Matthews;<br>Subject: RE: Voter registration<br>and the Clerks of Court                        | 122  |
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| Exhibit 16 | 07/02/19 email to Christopher Moore 171 |
|            | from Mark Earley; Subject: FW:          |
|            | Florida Voter Registration              |
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| Exhibit 18 | 05/01/19 Voter Assistance Hotline 191   |
|            | Manual                                  |
| Exhibit 19 | 08/08/19 email to Christie 200          |
|            | Fitz-Patrick from Maria Matthews;       |
|            | Subject: Stats - Felon Match            |
|            | Records/Registration 2019 -             |
|            | Component of SB 7066                    |
|            | DOSG-0000055 - 0000056                  |
| Exhibit 20 | 08/07/19 email to Maria Matthews 200    |
|            | from Toshia Brown; Subject:             |
|            | FW: Assignment: Legislative             |
|            | request for State on Felon Component    |
|            | of SB 7066                              |
|            | DOSG-0004953 - 0000004958               |
| Exhibit 21 | Florida Voter Registration 209          |
|            | Application - Part 1                    |

(Exhibits were retained by the stenographer.)

MARIA MATTHEWS

Thereupon,

The following proceedings began at 9:02 a.m.:

\*\*\*\*\*

DIRECT EXAMINATION

BY MS. EBENSTEIN:

Q. Good morning, Director Matthews. Could you please state and spell your name for the record?

A. My name is Maria Matthews, M-a-r-i-a M-a-t-t-h-e-w-s.

THE STENOGRAPHER: Did you want me to swear the witness?

MS. EBENSTEIN: Yes.

THE STENOGRAPHER: Do you solemnly swear or affirm that the testimony you are about to give in the matter before you will be the truth, the whole truth, and nothing but the truth?

THE WITNESS: Yes.

THEREUPON,

MARIA MATTHEWS,

having been duly sworn, was examined and testified as follows:

BY MS. EBENSTEIN:

Q. My name is Julie Ebenstein. I'm an attorney for the Gruver plaintiffs in this case. I'm going to be asking

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you some questions today. First, have you ever been deposed before?

A. Yes.

Q. And approximately how many times have you been deposed?

A. More than five.

Q. Okay. Do you recall in which matters you were deposed or just the general nature of the case at issue?

A. It would all be related to elections administration.

Q. When is the last time that you were deposed for litigation?

A. I believe it was in July for a ballot order case.

Q. I am going to ask you a series of questions. At any point if you don't understand my question, please let me know, and I will try to clarify or rephrase it. If you don't say that you don't understand, I will assume that you understood my question. Is that all right?

A. Okay.

Q. As you know, the court reporter is writing down everything that we say today. For that reason, please give verbal responses to my questions since she cannot pick up a nod, an um-hm, and I will endeavor to do the same.

Please wait until I finish asking a question

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before you answer so that we don't speak over each other. And, likewise, I will wait until you finish an answer before I ask the next question.

A. Okay.

Q. Do you understand that you are under oath today?

A. Yes.

Q. And that your answers in this deposition will have the same effect as though you were testifying in court?

A. Yes.

Q. Is there anything that would prevent you from testifying fully and truthfully today?

A. No.

Q. If you need a break at any point during the deposition, please just let me know. I would only ask that if I've asked a question, you answer the question before we pause for a break.

A. Okay.

Q. At some point during the deposition, your attorney may make objections to my questions. Please go ahead and answer them unless he instructs you not to answer.

A. Okay.

Q. Ms. Matthews, please tell me everything you did to prepare for today's deposition.

A. I reviewed my notebook that I have, my materials

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| <p style="text-align: right;">Page 10</p> <p>1 MARIA MATTHEWS</p> <p>2 relating to the Constitutional Amendment 4 and its</p> <p>3 implementation. I also spoke with my attorneys.</p> <p>4 Q. Which materials were included in what you reviewed</p> <p>5 today?</p> <p>6 MR. JAZIL: Counsel, for the record, we have a</p> <p>7 copy of Ms. Matthews' notebook that she reviewed in</p> <p>8 preparation for the deposition. We note that you had</p> <p>9 a notice for deposition duces tecum. No documents</p> <p>10 were identified.</p> <p>11 However, in the spirit of good faith and</p> <p>12 cooperation, we have provided Ms. Matthews' binder</p> <p>13 related to Amendment 4. We have, however, taken out</p> <p>14 material that is privileged as attorney-client</p> <p>15 privilege.</p> <p>16 MS. EBENSTEIN: Okay. I will just take a moment</p> <p>17 to look at the flags. From the size of this, we are</p> <p>18 looking at a few hundred pages of documents, so I'm</p> <p>19 just going to go through and get a quick sense.</p> <p>20 BY MS. EBENSTEIN:</p> <p>21 Q. Can you tell me the primary documents that you</p> <p>22 reviewed in preparation?</p> <p>23 A. This notebook contains resources that I might have</p> <p>24 referred to in relation to this Constitutional Amendment 4.</p> <p>25 It can contain briefing documents, it contains flow charts,</p> | <p style="text-align: right;">Page 11</p> <p>1 MARIA MATTHEWS</p> <p>2 it contains screenshots of websites that were relevant for</p> <p>3 me. It contains procedures and draft procedures that we</p> <p>4 have been working on for implementation. It contains some</p> <p>5 emails. It contains -- it might contain the law that was</p> <p>6 enacted during the 2019 legislative session. It may</p> <p>7 contain copies of the constitutional amendment. That's a</p> <p>8 minimum.</p> <p>9 MS. EBENSTEIN: I am going to note that just</p> <p>10 glancing at these, a number of documents I don't</p> <p>11 believe were produced. Do you have the Bates stamp</p> <p>12 numbers or can you confirm that they have all been</p> <p>13 produced?</p> <p>14 MR. JAZIL: These are the physical files that she</p> <p>15 had, and they are -- the physical documents that she</p> <p>16 had in her possession which are separate and distinct</p> <p>17 from the email correspondence. So this is the</p> <p>18 physical file that she refers to.</p> <p>19 There was a concern noted in the email</p> <p>20 correspondence last night about not providing physical</p> <p>21 copies, and this is the physical copies of the</p> <p>22 documents she has.</p> <p>23 MS. EBENSTEIN: Okay. Again, we are looking at a</p> <p>24 few hundred pages, many of which have not been</p> <p>25 produced to Plaintiffs' counsel before the deposition.</p>                          |
| <p style="text-align: right;">Page 12</p> <p>1 MARIA MATTHEWS</p> <p>2 We are obviously on the record in the deposition, and</p> <p>3 it's difficult to sort through hundreds of new</p> <p>4 documents to ask about those. So perhaps we can move</p> <p>5 forward and then take a break in the middle of the day</p> <p>6 to come back to the new documents that we have just</p> <p>7 received after the deposition started.</p> <p>8 BY MS. EBENSTEIN:</p> <p>9 Q. Did you consult with anyone aside from your legal</p> <p>10 team in preparation of the deposition?</p> <p>11 A. Staff. I would have talked to staff just about</p> <p>12 certain procedures for clarification.</p> <p>13 Q. Which staff members did you speak with?</p> <p>14 A. Toshia Brown and Amber Marconnet.</p> <p>15 Q. Anyone else?</p> <p>16 A. Janet Madrow, who is our IT individual designated.</p> <p>17 Q. Anyone aside from those three people?</p> <p>18 A. Not that I can recall. Those are the primary</p> <p>19 ones.</p> <p>20 Q. Okay. What is your general understanding of what</p> <p>21 this case is about?</p> <p>22 A. That this case is about trying to determine what</p> <p>23 the terms of a sentence are and what they include.</p> <p>24 Q. Okay. I'm going to ask a few questions about your</p> <p>25 employment history. Where are you currently employed?</p>                      | <p style="text-align: right;">Page 13</p> <p>1 MARIA MATTHEWS</p> <p>2 A. I'm currently employed at the Florida Department</p> <p>3 of State. I serve as the division director for elections.</p> <p>4 Q. And how long have you been employed by the</p> <p>5 Secretary of State's Office?</p> <p>6 A. I have been employed since 2002.</p> <p>7 Q. And you said that your current position is the</p> <p>8 director of the Division of Elections. How long have you</p> <p>9 held that position?</p> <p>10 A. I have held that position since January 2013.</p> <p>11 Q. In your current role as the director of the</p> <p>12 Division of Elections, what are your primary job</p> <p>13 responsibilities?</p> <p>14 A. As the director of the Division of Elections, I</p> <p>15 oversee the Division which serves as the administrative arm</p> <p>16 to the Secretary of State in support of her role as the</p> <p>17 chief election official for the state.</p> <p>18 Q. And how is your division structured, if you can</p> <p>19 just give me a brief overview?</p> <p>20 A. The Division of Elections has the directors</p> <p>21 office, which consists of the administrative assistant, the</p> <p>22 budget personnel. It then has three primary units or</p> <p>23 bureaus. One is the Bureau of Election Records, the other</p> <p>24 is the Bureau of Voter Registration Services, the third one</p> <p>25 is the Bureau of Voting Systems Certification.</p> |

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Then there is a Program Administration Unit that handles and oversees special programs like the special salary program, mail ballot request program, et cetera.

Q. The Program Administration Unit, how many employees are in that unit?

A. There are four.

Q. Okay. And do they handle matters related to elections, or are they separate from the Bureau of Voter Registration Services?

A. The Division of Elections is entirely about elections.

Q. So the Program Administration Unit is within that division, it's not a separate entity?

A. Correct.

Q. What is the role of the bureau chiefs within the Division of Elections?

A. The role of the bureau chiefs are to oversee the administrative or operational duties that fall within those units.

Q. And how would you describe your role in relation to the bureau chiefs?

A. My role as the director is to oversee their role and that they fulfill the duties that have been -- that fall within the jurisdiction of the bureaus.

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Q. So is it accurate to say that you supervise the bureau chiefs in their day-to-day or in the programmatic work? How would you describe it?

A. My job or duty is to oversee their duties as supervisors within their units to ensure that the operations are being conducted.

Q. Okay. What was your position immediately prior to holding your current position?

A. I served as the bureau chief for the Bureau of Voter Registration Services.

Q. And what was your -- what were your primary job responsibilities as the bureau chief to BVRs for short?

A. As the chief for the Bureau of Voter Registration Services, I oversaw the program units duties, which were processing voter registration applications at that time, identifying potentially ineligible voters, all the absentee ballot file requests, election results reporting for election night. Those are the high-level duties that fall within that unit.

Q. When you were bureau chief, did you supervise the day-to-day operation of the staff within your bureau?

A. I would oversee and connect as needed with the supervisors. So I am not involved every day with the staff operations unless there is something that I need from them

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or there is a question that comes up and I need to be consulted.

Q. And that's in your current position?

A. That's in my current position.

Q. When you were bureau chief and the current position of bureau chief, did you supervise the day-to-day operation of those working within your bureau?

A. At that time we had two floor supervisors that oversaw the daily operations. So my contact would be primarily through them.

Q. Okay. Who currently holds the position of bureau chief of BVRs?

A. Toshia Brown.

Q. And you manage Ms. Brown's position?

A. Yes.

Q. Has the job responsibilities, the primary responsibilities, changed since your tenure as the bureau chief until her tenure now?

A. No, they are relatively the same.

Q. And has the structure changed or are there still two floor supervisors in BVRs?

A. There are two floor supervisors now. One has a vacancy.

Q. Okay. And who is the current floor supervisor?

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A. Tiffany Morley.

Q. When did the second floor supervisor leave that position?

A. In August.

Q. Just last month?

A. Yes.

Q. And who was that?

A. Virgie Madrigal.

Q. I'm sorry?

A. Virgie Madrigal, V-i-r-g-i-e M-a-d-r-i-g-a-l.

Q. Okay. And what is Amber Marconnet's position within the Bureau of Voter Registration Services currently?

A. She is the second in command.

Q. So is she a deputy to Ms. Brown?

A. Her official title is senior management analyst supervisor, but she is like the sous chef.

Q. Thank you.

Could you give me a brief description of your other positions held prior to your work in the Secretary of State's Office?

A. Prior to serving as the bureau chief for the Bureau of Voter Registration Services, I served as an assistant general counsel in the General Counsel's Office in the Department of State.

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| <p style="text-align: right;">Page 18</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. And when was that?</p> <p>3 A. That was prior to June 2012.</p> <p>4 Q. You were general counsel -- when did you serve as</p> <p>5 the bureau chief?</p> <p>6 A. June 2012 until January 2013.</p> <p>7 Q. Okay. And then prior to that you were at the</p> <p>8 General Counsel's Office?</p> <p>9 A. Correct.</p> <p>10 Q. I see.</p> <p>11 So you are an attorney?</p> <p>12 A. Yes.</p> <p>13 Q. And are you currently a member of the Florida Bar?</p> <p>14 A. Yes.</p> <p>15 Q. What position did you hold before you worked in</p> <p>16 the Office of General Counsel?</p> <p>17 A. I served as a senior attorney with the Florida</p> <p>18 Senate.</p> <p>19 Q. How long were you in that position?</p> <p>20 A. I was there for at least five to seven years.</p> <p>21 Q. Okay. Did you serve under a specific legislature</p> <p>22 or in a different capacity?</p> <p>23 A. During my time at the legislature, I served on</p> <p>24 several Senate committees.</p> <p>25 Q. Which ones?</p>                                                                                                                                                                                                                                                                                                                                                     | <p style="text-align: right;">Page 19</p> <p>1 MARIA MATTHEWS</p> <p>2 A. I served on the Senate committee on commerce and</p> <p>3 economic opportunities, I served on the Senate committee on</p> <p>4 regulated industries, and I last served on the Senate</p> <p>5 committee on judiciary.</p> <p>6 Q. And did you serve on all of those committees in</p> <p>7 your legal capacity in the same position?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Just a few questions about your educational</p> <p>10 background. What's your highest level of education?</p> <p>11 A. Juris doctorate.</p> <p>12 Q. And where did you attend law school?</p> <p>13 A. Florida State.</p> <p>14 Q. Where did you attend undergraduate?</p> <p>15 A. University of Central Florida.</p> <p>16 Q. You mentioned earlier the Secretary of State's</p> <p>17 role with regard to elections. How would you describe that</p> <p>18 role?</p> <p>19 A. Bylaws in Chapter 97, which she serves as the</p> <p>20 chief election official, and the law sets out what her</p> <p>21 duties are with respect to that.</p> <p>22 Q. And what do you view as her primary duties with</p> <p>23 respect to elections?</p> <p>24 A. By reference to the law, it would be to ensure</p> <p>25 uniform interpretation and application of the election</p>                                                                                                                                        |
| <p style="text-align: right;">Page 20</p> <p>1 MARIA MATTHEWS</p> <p>2 laws, providing assistance to Supervisors of Elections,</p> <p>3 issuing advisory opinions, ensuring the statewide voter</p> <p>4 registration system contains only eligible voters. Those</p> <p>5 are just a few.</p> <p>6 Q. And are you the primary person that would carry</p> <p>7 out many of those initiatives in day-to-day practice?</p> <p>8 A. Yes. As I stated earlier, the Division of</p> <p>9 Elections serves as the administrative arm to her role in</p> <p>10 that capacity.</p> <p>11 Q. Okay. You mentioned that she provides assistance</p> <p>12 to Supervisors of Elections and issues advisory opinions.</p> <p>13 What role does Supervisors of Elections play with regard to</p> <p>14 elections in Florida?</p> <p>15 A. Supervisors of Elections conduct the elections at</p> <p>16 the local level.</p> <p>17 Q. And what does that entail?</p> <p>18 A. That entails everything from getting the ballots</p> <p>19 ready and putting correct races and contests on those</p> <p>20 ballots to setting up the polling locations and early</p> <p>21 voting to conducting -- doing testing on -- preelection</p> <p>22 testing of voting systems to running the elections during</p> <p>23 early voting period and election day, including any</p> <p>24 recounts if there are any, to reporting postelection</p> <p>25 results.</p> | <p style="text-align: right;">Page 21</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. Have you ever served as a Supervisor of Elections?</p> <p>3 A. No.</p> <p>4 Q. Along with issuing advisory opinions, does the</p> <p>5 Secretary of State's Office offer any additional guidance</p> <p>6 to the Supervisors of Elections?</p> <p>7 A. The Secretary has authority to issue directives.</p> <p>8 We also on a daily basis have communications with</p> <p>9 Supervisors of Elections.</p> <p>10 Q. And who is the primary contact for Supervisors of</p> <p>11 Elections on a daily basis?</p> <p>12 A. I'm not sure I understand your question.</p> <p>13 Q. If a Supervisor of Elections had a question or an</p> <p>14 inquiry related to interpreting or administering the law,</p> <p>15 who would they contact in your division?</p> <p>16 A. Depending on what the question is, if it's an</p> <p>17 operational question, they would pose the question to the</p> <p>18 Division. If it's a legal question, it would be referred</p> <p>19 or their call would go to the legal office.</p> <p>20 Q. Okay. And as a -- do they have a single first</p> <p>21 contact point, a call line or a help line or something like</p> <p>22 that, or do they just contact the folks they know who work</p> <p>23 in your division?</p> <p>24 A. They contact the folks they know in the division</p> <p>25 with respect to whatever the topic or subject area may be.</p> |

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| <p style="text-align: right;">Page 22</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. All right. And when you mention issuing advisory</p> <p>3 opinions, is that the only sort of formal guidance that the</p> <p>4 Secretary of State's Office gives to the Supervisors of</p> <p>5 Elections?</p> <p>6 A. That's the formal request process regarding any</p> <p>7 interpretation of law that might affect them in terms of</p> <p>8 their duties. There are also times that the Division will</p> <p>9 provide some guidance regarding reference to a law.</p> <p>10 Q. So you said the formal request process. Does that</p> <p>11 mean that formal guidance is always requested by the</p> <p>12 supervisors, or is it offered in some other manner or</p> <p>13 context?</p> <p>14 A. If a Supervisors of Elections asks for an advisory</p> <p>15 opinion, that's the process to follow.</p> <p>16 Q. And you also mentioned formal guidance that the</p> <p>17 Division offers. Under what circumstances would the</p> <p>18 Division offer formal guidance?</p> <p>19 A. If there is a question about something that all</p> <p>20 the supervisors would warrant needing to know or if there</p> <p>21 is a notice about something that's happened that is</p> <p>22 relevant or useful for them in terms of election -- local</p> <p>23 election administration.</p> <p>24 Q. So if you receive questions from multiple or</p> <p>25 numerous supervisors, is that the sort of circumstance</p>                  | <p style="text-align: right;">Page 23</p> <p>1 MARIA MATTHEWS</p> <p>2 under which you would -- the Division would offer guidance?</p> <p>3 A. It might be.</p> <p>4 Q. And the second category that you mentioned, if</p> <p>5 there is something that they need to know if there is a</p> <p>6 change in circumstance, what are some of the changes in</p> <p>7 circumstance that would warrant issuing formal guidance?</p> <p>8 A. Right now I can't think of those. You could look</p> <p>9 at the advisory opinions, our advisory opinions and our</p> <p>10 directives, and that can give you an idea.</p> <p>11 Q. As far as informal guidance, then, is there -- at</p> <p>12 what points do you issue informal guidance to all</p> <p>13 Supervisors of Elections?</p> <p>14 A. That would be after consultation internally about</p> <p>15 whether it is something that needs to be relayed to all</p> <p>16 supervisors.</p> <p>17 Q. And who would you consult with about that?</p> <p>18 A. I would consult with my staff, make sure I have</p> <p>19 all the facts and circumstances, and then I would consult</p> <p>20 with my superiors.</p> <p>21 Q. So you would generally consult with your superiors</p> <p>22 before you issued a guidance to the full group of</p> <p>23 Supervisors of Elections?</p> <p>24 A. Correct, unless it's an issue that is pretty</p> <p>25 straightforward and can be addressed by reference to the</p> |
| <p style="text-align: right;">Page 24</p> <p>1 MARIA MATTHEWS</p> <p>2 law.</p> <p>3 Q. Okay. When there is a change in the law, either</p> <p>4 by way of new legislation -- well, let's start with new</p> <p>5 legislation. When new legislation is passed, what is the</p> <p>6 Division's policy as far as issuing formal guidance?</p> <p>7 A. There are conferences that are held -- there is a</p> <p>8 summer conference that is held typically every year after</p> <p>9 the legislative session. That's our opportunity to review</p> <p>10 and present to the supervisors the changes in law.</p> <p>11 Q. When is that conference held in the summer?</p> <p>12 A. Typically it's either May or June.</p> <p>13 Q. Okay. And so that summer conference, would there</p> <p>14 be materials distributed or discussion of different changes</p> <p>15 in law that legislative session?</p> <p>16 A. By reference to this past year, it was a</p> <p>17 PowerPoint that would have just gone over each of the</p> <p>18 sections or the primary or highlights of the law.</p> <p>19 Q. Okay. And, of course, that's just in a single</p> <p>20 session or over a couple of days. Is there additional</p> <p>21 written guidance that the Division would typically issue to</p> <p>22 all Supervisors of Elections after a change in law?</p> <p>23 A. Not this circle, no.</p> <p>24 Q. The legislative session in this cycle ended in</p> <p>25 May. There was no written guidance issued to all</p> | <p style="text-align: right;">Page 25</p> <p>1 MARIA MATTHEWS</p> <p>2 supervisors related to any of the, I believe, numerous</p> <p>3 changes in elections laws?</p> <p>4 A. Supervisors of Elections were informed at the</p> <p>5 conference about the legislative changes that had been</p> <p>6 enacted as a result of the 2019 legislative session and</p> <p>7 what rules would need to be amended or were being</p> <p>8 considered for further implementation.</p> <p>9 Q. Okay. But you -- I believe you said you didn't</p> <p>10 distribute any materials at the summer 2019 supervisors</p> <p>11 conference?</p> <p>12 A. That's correct. We talked about it.</p> <p>13 Q. Okay. And you haven't distributed -- you</p> <p>14 didn't -- have you distributed any materials since that</p> <p>15 conference related to the changes in election law during</p> <p>16 the 2019 legislative session?</p> <p>17 A. The supervisors have access to the chapter law as</p> <p>18 well as the legislative analyses that go with that, and</p> <p>19 there is election summaries that the Senate and House put</p> <p>20 out for further explanation.</p> <p>21 Q. Okay. But did your office issue any written</p> <p>22 materials related to the changes in law this past</p> <p>23 legislative session?</p> <p>24 A. I can't recall. If we would have put anything</p> <p>25 out, it would have been here is the law that passed, here</p>           |

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| <p style="text-align: right;">Page 26</p> <p>1 MARIA MATTHEWS</p> <p>2 is some sections or links to the staff analysis and the</p> <p>3 election summary.</p> <p>4 Q. Did you typically provide guidance beyond just the</p> <p>5 statutory language or the legislative documents?</p> <p>6 A. We have in the past.</p> <p>7 Q. But you didn't provide any guidance beyond the</p> <p>8 statutory language or the legislative documents for</p> <p>9 election laws passed in 2019; is that correct?</p> <p>10 A. We provided -- I am pretty sure that we provided</p> <p>11 reference that the chapter law had been enacted and then</p> <p>12 links to the legislative analyses as well as the election</p> <p>13 summaries.</p> <p>14 Q. Okay. Was there anything beyond that that you</p> <p>15 provided?</p> <p>16 A. Not that I can recall at this time.</p> <p>17 Q. Okay. Could you please walk me through the voter</p> <p>18 registration process in Florida? First, what are the</p> <p>19 qualifications to register to vote and to vote?</p> <p>20 A. The qualifications to register to vote are that</p> <p>21 you must be at least 18 years old, a U.S. citizen, not be</p> <p>22 convicted of a felony conviction, or if you have, had your</p> <p>23 rights restored, not be adjudicated mentally incapacitated,</p> <p>24 or if you have that you have had your rights restored, have</p> <p>25 legal residence here in Florida. There are circumstances</p>                                                                                                | <p style="text-align: right;">Page 27</p> <p>1 MARIA MATTHEWS</p> <p>2 where 16- and 17-year-olds can preregister if they satisfy</p> <p>3 those other requirements. I think that's it.</p> <p>4 Q. That sounds fairly comprehensive.</p> <p>5 A. Yeah.</p> <p>6 Q. Walk me through the process, please, of how a</p> <p>7 voter applies for registration.</p> <p>8 A. In Florida, there are a number of ways that an</p> <p>9 individual can submit an application. It can be by in</p> <p>10 person paper, it can be by mail, which can come either</p> <p>11 directly from the voter or through a third-party group that</p> <p>12 might have collected an application. It can come in</p> <p>13 through the online voter registration system which we</p> <p>14 launched in October of 2017. It can come in through</p> <p>15 electronic intake information that is taken at the tax</p> <p>16 collector's office and is submitted to the State nightly,</p> <p>17 or it can also come in through the Department of Highway</p> <p>18 Safety driver's license renewal program, online program,</p> <p>19 and it can also come in through a driver's license mail-in</p> <p>20 renewal form or a voter registration agency under the</p> <p>21 National Voter Registration Act.</p> <p>22 Q. And are those applications submitted to your</p> <p>23 office at the Department of State or to individual</p> <p>24 Supervisors of Elections?</p> <p>25 A. Paper applications are forwarded if not directly</p> |
| <p style="text-align: right;">Page 28</p> <p>1 MARIA MATTHEWS</p> <p>2 submitted to the Supervisors of Elections office.</p> <p>3 Electronic information captured either through the online</p> <p>4 voter registration system, which the Department of State</p> <p>5 oversees, or electronic information captured by the</p> <p>6 Department of Highway Safety and Motor Vehicles in</p> <p>7 conjunction with the tax collector's office support</p> <p>8 submitted to the State, and we act as a pass-through to get</p> <p>9 that to the Supervisors of Elections.</p> <p>10 Q. So in the first instance before it's entered into</p> <p>11 the system, it would go through the Supervisors of</p> <p>12 Elections; is that correct?</p> <p>13 A. Repeat your question.</p> <p>14 Q. For a new voter registration application, the</p> <p>15 entry point into FERS, the voter registration system, is</p> <p>16 that through the supervisors or through your office?</p> <p>17 A. The Supervisors of Elections, if they receive an</p> <p>18 application, a paper application, their offices enter the</p> <p>19 information into the Florida Voter Registration System. If</p> <p>20 the data is captured electronically in those other methods</p> <p>21 that I mentioned, then that information is electronically</p> <p>22 forwarded to the supervisors who then at their end do their</p> <p>23 processing to accept the application and whether it's a new</p> <p>24 application or an update.</p> <p>25 Q. Okay. Is there a time frame within which it needs</p> | <p style="text-align: right;">Page 29</p> <p>1 MARIA MATTHEWS</p> <p>2 to be entered into the statewide voter registration</p> <p>3 database?</p> <p>4 A. If the Supervisors of Elections are entering the</p> <p>5 information, they have 13 days from the date of receipt to</p> <p>6 enter that information. If the information is captured</p> <p>7 electronically, then the information is pretty much always</p> <p>8 processed within a much shorter time frame.</p> <p>9 Q. Once that data is entered into the system, is</p> <p>10 there any determination of the voter's eligibility at that</p> <p>11 point?</p> <p>12 A. Based on the law, if an applicant -- a new</p> <p>13 applicant completes an application form and provides all</p> <p>14 the information necessary for the supervisor to make that</p> <p>15 determination, i.e., they check the requisite boxes</p> <p>16 regarding eligibility, they sign the application, they</p> <p>17 provide the information, in essence, that is necessary for</p> <p>18 the supervisor based on the four corners of that</p> <p>19 application to be able to make that call.</p> <p>20 Q. Then what happens if that occurs?</p> <p>21 A. If that occurs, then the supervisor is the one</p> <p>22 that determines and adds that individual to the rolls.</p> <p>23 Q. At that point when the individual is first added</p> <p>24 to the rolls, is that individual's information checked</p> <p>25 against any other databases?</p>                 |



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| <p style="text-align: right;">Page 30</p> <p>1 MARIA MATTHEWS</p> <p>2 A. Once an applicant is added to the rolls as a</p> <p>3 registered voter, at the Department of State level, within</p> <p>4 24 hours information regarding any new registered voter,</p> <p>5 any changes to an existing registered voter's record, or</p> <p>6 any new felony record created and introduced into the</p> <p>7 Florida Department of Law Enforcement's database, the</p> <p>8 Florida Department of Law Enforcement compares two data</p> <p>9 sets, the voter registration records that we provide them</p> <p>10 and their criminal records to determine if any of these</p> <p>11 records will present a potential match of ineligibility</p> <p>12 based on a felony conviction.</p> <p>13 Q. And that's within the first 24 hours of entry of</p> <p>14 an individual's voter registration application; is that</p> <p>15 correct?</p> <p>16 A. Correct. The individual is already registered by</p> <p>17 that point.</p> <p>18 Q. What if the Division finds that there is a match</p> <p>19 between, for example, a conviction record and a new voter</p> <p>20 registration application, what is the next step?</p> <p>21 A. Then that triggers the process under</p> <p>22 Chapter 98. -- well, Section 98.075, in which we are then</p> <p>23 tasked with determining whether the information is credible</p> <p>24 and reliable.</p> <p>25 Q. Okay. So am I correct that supervisors generally</p>                                                                                                | <p style="text-align: right;">Page 31</p> <p>1 MARIA MATTHEWS</p> <p>2 have five days to notify an applicant about whether their</p> <p>3 initial application is approved or denied?</p> <p>4 A. Correct.</p> <p>5 Q. And the check against other databases is done by</p> <p>6 the Division within 24 hours?</p> <p>7 A. Correct.</p> <p>8 Q. So just to make sure that I understand the</p> <p>9 chronology, if somebody submits a voter registration</p> <p>10 application, and within those first 24 hours there is a</p> <p>11 match, is it correct that the supervisor would still</p> <p>12 approve their registration application, and then they would</p> <p>13 go through a separate process to be removed?</p> <p>14 A. There are two processes operating in parallel</p> <p>15 track here. One is the registration. So as you noted,</p> <p>16 within five days of an application being accepted, the</p> <p>17 individual will be notified. If they have been accepted,</p> <p>18 they will be sent a voter information card.</p> <p>19 If they have been denied for any reason,</p> <p>20 application is incomplete, therefore, they can't proceed</p> <p>21 with it, and recognize also that there is a verification</p> <p>22 process that has to occur as well, which is part of the</p> <p>23 completed application, and that is that the individual's</p> <p>24 personal identifying number has to be verified.</p> <p>25 So you have an application that is complete,</p>                                                                                                                                          |
| <p style="text-align: right;">Page 32</p> <p>1 MARIA MATTHEWS</p> <p>2 meaning it has all the requisite information to determine</p> <p>3 if the person is eligible. But the last piece is that they</p> <p>4 have to go and verify the driver's license number or the</p> <p>5 Social Security number that was provided on that</p> <p>6 application. If that gets verified, then, yes, then that</p> <p>7 is at the juncture that the individual is registered to</p> <p>8 vote.</p> <p>9 Q. Just to make sure I understand it correctly, the</p> <p>10 only reason that an individual's application is denied is</p> <p>11 either they did not complete the four corners of the</p> <p>12 application adequately or that the Division is unable to</p> <p>13 verify their identity; is that correct?</p> <p>14 A. The Division -- the application has to be complete</p> <p>15 so that all the information there is -- is there for the</p> <p>16 supervisor to be able to determine if that person is</p> <p>17 eligible to be registered. One of those main fields is</p> <p>18 providing personal identifying number, which can be either</p> <p>19 the driver's license number -- Florida driver's license</p> <p>20 number, Florida ID number, or the last four digits of the</p> <p>21 Social Security number. That number has to also be</p> <p>22 verified as to whether it exists, it's authentic, it</p> <p>23 belongs to that person with that name.</p> <p>24 We send that information on to the Department of</p> <p>25 Highway Safety and Motor Vehicles which verifies that. If</p> | <p style="text-align: right;">Page 33</p> <p>1 MARIA MATTHEWS</p> <p>2 that information comes back as confirmed, yes, it belongs</p> <p>3 to that person, then that is the juncture at which the</p> <p>4 person becomes registered.</p> <p>5 Q. Okay. And just to go back to the 24 -- the</p> <p>6 database check within 24 hours of registration. So am I</p> <p>7 understanding it correctly that somebody could submit a</p> <p>8 complete application, their identity is verified based on,</p> <p>9 let's say, their driver's license number, they are then</p> <p>10 registered. Within 24 hours their records are matched to,</p> <p>11 for example, conviction records, but they still receive a</p> <p>12 voter registration card from the Supervisors of Elections.</p> <p>13 Is that the way it works?</p> <p>14 A. If the application is deemed complete, the</p> <p>15 personal identifying number is verified as valid, the</p> <p>16 individual is registered to vote. That is one track.</p> <p>17 Meanwhile, once that record is -- that person is</p> <p>18 added to the rolls as a registered voter, that record is</p> <p>19 then cross-checked against felony conviction records within</p> <p>20 the Florida Department of Law Enforcement as well as the</p> <p>21 Department of Corrections. And if a match, a potential</p> <p>22 match, that's all it is at this point is an automated</p> <p>23 potential match, that then begins our process for beginning</p> <p>24 to gather the information to determine if this match, this</p> <p>25 data match, is credible and reliable. Do we have the right</p> |

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| <p style="text-align: right;">Page 34</p> <p>1 MARIA MATTHEWS</p> <p>2 person? Is it, indeed, a felony conviction? And then do</p> <p>3 we have the supporting documentation to support that? And</p> <p>4 that develops the case file, which is then if we determine</p> <p>5 that it is credible and reliable, we then forward it to the</p> <p>6 Supervisors of Elections.</p> <p>7 Q. And I will ask you for some more details on that</p> <p>8 process momentarily, but just so I understand the time</p> <p>9 frame, could somebody potentially submit their application,</p> <p>10 within five days receive an approval and a voter</p> <p>11 registration card from the Supervisors of Elections, and</p> <p>12 then because of a match within those first 24 hours, within</p> <p>13 days receive a cancellation notice because of a match with</p> <p>14 a conviction?</p> <p>15 A. Under Florida law no one receives an automatic</p> <p>16 notice of cancellation at that point. What the law</p> <p>17 requires is that the supervisor upon receipt of credible</p> <p>18 and reliable information issue within seven days actual</p> <p>19 notice to the voter that they are potentially ineligible.</p> <p>20 So it's this due process where they are given notice of</p> <p>21 this potential ineligibility and then provided the</p> <p>22 opportunity to say, no, this is not me; no, this is a</p> <p>23 felony conviction, but it's adjudication withheld; or, no,</p> <p>24 it was downgraded or this is not correct, this information</p> <p>25 is incorrect.</p> | <p style="text-align: right;">Page 35</p> <p>1 MARIA MATTHEWS</p> <p>2 So that's what it -- that due process has to play</p> <p>3 out before anybody is determined to be ineligible and</p> <p>4 removed from the rolls, which the Supervisors of Elections</p> <p>5 are the only election official authorized to do that.</p> <p>6 Q. We will go into those specifics in a moment, but</p> <p>7 as far as the timing, a new registration applicant could</p> <p>8 receive approval and a voter registration card within those</p> <p>9 first five days after submitting their application, and</p> <p>10 then you said there is a seven-day process after the</p> <p>11 supervisor receives additional evidence from you of</p> <p>12 potential ineligibility.</p> <p>13 My question is could a voter receive approval and</p> <p>14 a voter registration card and within a week or ten days</p> <p>15 then receive notification that they may be ineligible</p> <p>16 according to the process that you just described?</p> <p>17 A. Yes, they could potentially receive a notice of</p> <p>18 potential ineligibility as a registered voter at that</p> <p>19 point, yes.</p> <p>20 Q. All right. So there is not a -- there is not an</p> <p>21 eligibility check within those first 24 hours that would</p> <p>22 have their application rejected? Their application would</p> <p>23 be accepted and approved potentially, and then there would</p> <p>24 be a separate removal proceeding; is that correct?</p> <p>25 A. The process contemplated under the law right now</p> |
| <p style="text-align: right;">Page 36</p> <p>1 MARIA MATTHEWS</p> <p>2 is that that cross-check occurs after someone becomes a</p> <p>3 registered voter.</p> <p>4 Q. You said contemplated under the law. Is that how</p> <p>5 it's carried out in law between the Division of Elections</p> <p>6 and the supervisors?</p> <p>7 A. Under 98.075, correct.</p> <p>8 Q. I am going to hand you an exhibit that we will</p> <p>9 mark as Exhibit 1.</p> <p>10 (Document marked as Exhibit 1</p> <p>11 for identification)</p> <p>12 BY MS. EBENSTEIN:</p> <p>13 Q. If you want to take a moment to look at it, but do</p> <p>14 you recognize this document?</p> <p>15 A. (Witness reviewing document.)</p> <p>16 Yes.</p> <p>17 Q. And what is this document?</p> <p>18 A. This document was a presentation that was prepared</p> <p>19 for the Florida certification -- Certified Election</p> <p>20 Professionals, FCEP program, and the topic covered was list</p> <p>21 maintenance.</p> <p>22 Q. This was a preparation from your office?</p> <p>23 A. Yes.</p> <p>24 Q. And is this a presentation that would have been</p> <p>25 made to Supervisors of Elections?</p>                                                                                                                                                                                                                                                                                                                                                                                                            | <p style="text-align: right;">Page 37</p> <p>1 MARIA MATTHEWS</p> <p>2 A. It would have been made to Supervisors of</p> <p>3 Elections who attended that particular program.</p> <p>4 Q. I see. And when was that program?</p> <p>5 A. Based on the date on this presentation, it is July</p> <p>6 2017.</p> <p>7 Q. Okay. If you could go by the Bates number, I</p> <p>8 don't have the page numbers, DOSG-0000487. It's a page</p> <p>9 entitled "Information Sources For Convicted Felon Without</p> <p>10 Rights Restored."</p> <p>11 Again, just for the record, since we did not have</p> <p>12 many of the documents setting out the procedures in your</p> <p>13 office, I am at this point limited to questioning you about</p> <p>14 the documents we do have.</p> <p>15 Do you recognize the information contained in this</p> <p>16 document?</p> <p>17 A. Yes.</p> <p>18 Q. And does this -- what does this include? What</p> <p>19 does this document set out?</p> <p>20 A. This page of the PowerPoint indicates the</p> <p>21 information sources that we may receive access or obtain</p> <p>22 for convicted felony convictions for those who have not had</p> <p>23 their rights restored.</p> <p>24 Q. Okay. Before November 2018, were these the</p> <p>25 sources or databases from which you received information on</p>                                                                                                                                                                                                                                    |

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| <p style="text-align: right;">Page 38</p> <p>1 MARIA MATTHEWS</p> <p>2 felony convictions?</p> <p>3 A. Yes, and they still remain.</p> <p>4 Q. Were there any other sources from which you</p> <p>5 received felony convictions?</p> <p>6 A. I believe these cover it.</p> <p>7 Q. And you said "they still remain." Is this still</p> <p>8 the complete list of sources from which you -- your office</p> <p>9 receives information on felony convictions as of today?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. If you could turn to the next two pages</p> <p>12 later, DOSG-0000489. That page is entitled "BVRs</p> <p>13 ineligibility file transfer method." Can you summarize</p> <p>14 what this sets out?</p> <p>15 A. This document shows the various sources of</p> <p>16 information received about felons, whether it's a state</p> <p>17 felon or registered sexual offender, out-of-state felon, or</p> <p>18 fed felon or out-of-state and fed felons and the various</p> <p>19 ways in which that information may come into our office and</p> <p>20 then the way that we would provide it to the Supervisors of</p> <p>21 Elections.</p> <p>22 Q. Okay. I would like to ask first about the way</p> <p>23 that it comes into your office. We can just go through</p> <p>24 them one by one. All the way on the far left for FDLE, the</p> <p>25 way that it comes into your office is listed as "Automated</p> | <p style="text-align: right;">Page 39</p> <p>1 MARIA MATTHEWS</p> <p>2 Run." What does that mean exactly?</p> <p>3 A. As referenced earlier, voter registration records</p> <p>4 are provided to the Florida Department of Law Enforcement</p> <p>5 who then conducts a match process against criminal records</p> <p>6 in their database looking for matches between voters and</p> <p>7 convicted felons in their records. That generates an</p> <p>8 automated run of data regarding potential matches.</p> <p>9 Q. And what do you mean exactly by an automated run?</p> <p>10 A. It means that it's programatic.</p> <p>11 Q. Do you know how many match points for the data</p> <p>12 there needs to be for it to be a hit? Do you understand</p> <p>13 what I mean by "a hit"?</p> <p>14 A. I do understand.</p> <p>15 The criteria is set out in a Memorandum of</p> <p>16 Agreement, and I don't have that criteria that I can share</p> <p>17 right now with you in my head.</p> <p>18 Q. Do you know when that Memorandum of Agreement, I</p> <p>19 assume between the Division of Elections and FDLE, when</p> <p>20 that was entered into by both departments?</p> <p>21 A. We would have started this back in 2006, and I</p> <p>22 think the most recent update was done 2015, and we are</p> <p>23 currently working on a revised memorandum.</p> <p>24 Q. Just to go through those different dates, is that</p> <p>25 when the FERS system came into play?</p> |
| <p style="text-align: right;">Page 40</p> <p>1 MARIA MATTHEWS</p> <p>2 A. That is when the State launched the statewide</p> <p>3 voter registration system for which it's responsible and</p> <p>4 now serves as the single statewide voter registration</p> <p>5 system. Up until then, there were 67 county voter</p> <p>6 registration systems.</p> <p>7 Q. And you said the last update was in 2015. You</p> <p>8 were the director of Division of Elections at that point,</p> <p>9 correct?</p> <p>10 A. I was during 2015, correct.</p> <p>11 Q. Was there an event that precipitated the update in</p> <p>12 the Memorandum of Agreement between the Department of State</p> <p>13 and FDLE?</p> <p>14 A. As with any process regarding automation, we are</p> <p>15 constantly reviewing how the automation is done. So I</p> <p>16 would have to compare the 2006 and 2015 and go back through</p> <p>17 records to determine what it was that might have triggered</p> <p>18 that.</p> <p>19 Q. Okay. The 2015 agreement is still operative; is</p> <p>20 that correct?</p> <p>21 A. Yes.</p> <p>22 MS. EBENSTEIN: Counsel, we would like a copy, if</p> <p>23 possible, of that agreement.</p> <p>24 MR. JAZIL: Okay.</p> <p>25</p>                                                                                                                                                                              | <p style="text-align: right;">Page 41</p> <p>1 MARIA MATTHEWS</p> <p>2 BY MS. EBENSTEIN:</p> <p>3 Q. And you mentioned a moment ago that you are</p> <p>4 currently discussing an update to that agreement with FDLE;</p> <p>5 is that correct?</p> <p>6 A. Correct.</p> <p>7 Q. Who are those discussions with or between?</p> <p>8 A. It's with staff from the Florida Department of Law</p> <p>9 Enforcement.</p> <p>10 Q. And yourself or others in your office?</p> <p>11 A. It would involve me, it would involve the bureau</p> <p>12 chief and the second in command, as well as our IT.</p> <p>13 Q. Okay. And the staff from FDLE, is that mostly</p> <p>14 programatic staff or IT-related staff?</p> <p>15 A. It's operational and IT.</p> <p>16 Q. When did you begin those discussions regarding a</p> <p>17 new Memorandum of Agreement with FDLE?</p> <p>18 A. We have regular meetings with FDLE, if not</p> <p>19 monthly, twice a month. And we have had that pretty much</p> <p>20 since 2006 over time as needed to discuss whatever the</p> <p>21 files are showing. So it would have been primarily on the</p> <p>22 file specs.</p> <p>23 Q. Okay. So you have regular meetings with FDLE, but</p> <p>24 there has not been a new Memorandum of Understanding in the</p> <p>25 past four years, correct?</p>                                                                                                                                            |

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| <p style="text-align: right;">Page 42</p> <p>1 MARIA MATTHEWS</p> <p>2 A. If there wasn't anything to update, then we</p> <p>3 wouldn't have had to.</p> <p>4 Q. And is it correct that there wasn't anything to</p> <p>5 update, so you didn't for the last four years?</p> <p>6 A. We may have had things to update. Until we figure</p> <p>7 out exactly what those things are that need to be updated,</p> <p>8 that's why we are working on it right now.</p> <p>9 Q. When did these discussions specific to a new</p> <p>10 Memorandum of Agreement with FDLE begin, the current</p> <p>11 conversations?</p> <p>12 A. I don't remember when they would have started. I</p> <p>13 do know that we definitely need to now as a result of</p> <p>14 Constitutional Amendment 4.</p> <p>15 Q. Did they -- okay. So if they started related to</p> <p>16 Constitutional Amendment 4, it would have been after</p> <p>17 November; is that correct?</p> <p>18 A. No, I can't say that.</p> <p>19 Q. What precipitated the new discussions about the</p> <p>20 Memorandum of Agreement?</p> <p>21 A. At this point, I know that we have been talking</p> <p>22 about updating the Memorandum of Agreement for a while, and</p> <p>23 the Constitutional Amendment 4 has added another sense of</p> <p>24 urgency to getting that amendment done.</p> <p>25 Q. Okay.</p>                                                              | <p style="text-align: right;">Page 43</p> <p>1 MARIA MATTHEWS</p> <p>2 A. Because it relates to file specs.</p> <p>3 Q. So you are discussing an update to the agreement</p> <p>4 with FDLE before the Constitutional Amendment 4 passed; is</p> <p>5 that right?</p> <p>6 A. Yes.</p> <p>7 Q. And Amendment 4's passage has changed the nature</p> <p>8 of the terms of that prospective agreement; is that</p> <p>9 correct?</p> <p>10 A. It has made us revisit the file specs that we were</p> <p>11 wanting to change to gather more information -- to</p> <p>12 determine what information FDLE has and what information</p> <p>13 they can get to us that will help us implement the law</p> <p>14 better.</p> <p>15 Q. Okay. Are there draft agreements with FDLE that</p> <p>16 were created before Amendment 4's passage?</p> <p>17 A. I do not have the latest -- I believe the draft is</p> <p>18 with FDLE right now. They are charged with making those</p> <p>19 changes.</p> <p>20 Q. In that back-and-forth negotiation I assume?</p> <p>21 A. Correct.</p> <p>22 Q. But were there drafts created either by your</p> <p>23 division or you received by FDLE before November 2018?</p> <p>24 A. I can't recall right now.</p> <p>25 Q. Have there been draft agreements created since</p>                                                                                                    |
| <p style="text-align: right;">Page 44</p> <p>1 MARIA MATTHEWS</p> <p>2 November 2018 either by your division or shared with you by</p> <p>3 FDLE?</p> <p>4 A. I can't recall having seen the latest revision to</p> <p>5 the agreement. I do know there have been changes to the</p> <p>6 file specs that is an attachment to the agreement.</p> <p>7 Q. So currently there is no agreement, there is no</p> <p>8 new agreement in place since 2015, but there are draft</p> <p>9 agreements created after November 2018 and changes to the</p> <p>10 file specs; is that correct?</p> <p>11 A. I can't speak to the time frame. All I know is</p> <p>12 that there are efforts underway to revise the agreement,</p> <p>13 and it includes changing or expanding upon the file specs.</p> <p>14 Q. But neither the file specs nor the agreement have</p> <p>15 been changed yet; is that correct?</p> <p>16 A. No. There have been back-and-forth about the file</p> <p>17 specs.</p> <p>18 Q. So there have been --</p> <p>19 A. That much I do know, yes.</p> <p>20 Q. How would that back-and-forth take place?</p> <p>21 A. Through email and also through conference calls</p> <p>22 that we have had or face-to-face meetings.</p> <p>23 Q. So there has been email communication between FDLE</p> <p>24 and your division changing the file specs related to the</p> <p>25 file -- the match transfers; is that correct?</p> | <p style="text-align: right;">Page 45</p> <p>1 MARIA MATTHEWS</p> <p>2 A. Correct.</p> <p>3 Q. Do you recall approximately which month that would</p> <p>4 have been communicated between FDLE and your division?</p> <p>5 A. As I stated, we have at least monthly meetings</p> <p>6 scheduled with them regularly, so I'm sure the conversation</p> <p>7 would have covered these topics to some extent.</p> <p>8 Q. But the actual change in file specs I assume would</p> <p>9 have been significant. It would change the criteria or the</p> <p>10 way in which the data is matched between those two offices,</p> <p>11 correct?</p> <p>12 A. Not necessarily. File specs could mean that they</p> <p>13 are adding additional fields. It may not necessarily mean</p> <p>14 that the criteria or the basic matching process has</p> <p>15 changed, but rather that we are getting additional</p> <p>16 information that may be helpful for us to implement the</p> <p>17 law.</p> <p>18 Q. And is that what occurred in the last -- this</p> <p>19 year?</p> <p>20 A. That is the primary focus, yes.</p> <p>21 Q. Do you know what additional fields were added?</p> <p>22 A. No. That would be in the documentation. I don't</p> <p>23 have that committed to memory.</p> <p>24 Q. Was there -- aside from back-and-forth email</p> <p>25 communications, were there memoranda created that your</p> |

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| <p style="text-align: right;">Page 46</p> <p>1 MARIA MATTHEWS</p> <p>2 offices shared laying out those additional fields?</p> <p>3 A. Again, emails would have contained the information</p> <p>4 that we were sharing and what our processes were and what</p> <p>5 we were looking for in terms of additional information.</p> <p>6 Q. Okay. All the way on the left of this particular</p> <p>7 page it says "State felons." Moving one column to the</p> <p>8 right it says "Felons - Registered Sexual Offenders." I</p> <p>9 believe based on this chart, that is transferred through a</p> <p>10 secured FTP site. How is that different than the automated</p> <p>11 run related to all state felons?</p> <p>12 A. The Florida Department of Law Enforcement is</p> <p>13 responsible for tracking registered sexual offenders, and</p> <p>14 this information up until now, as far as I know, is that</p> <p>15 it's captured separately. So that information is shared</p> <p>16 with us, and then we use that information to see if we can</p> <p>17 find the -- a registered voter with that name and whatever</p> <p>18 match -- the three matching criteria, basic matching</p> <p>19 criteria that we use, which it has to match on three</p> <p>20 things, either name -- three of the following, any three of</p> <p>21 the following: The name, the date of birth, driver's</p> <p>22 license, Social Security number, and an address.</p> <p>23 So that is not an automated process. That is just</p> <p>24 information that comes over to us, and then we look on the</p> <p>25 voter registration rolls to see if we can find a match.</p> | <p style="text-align: right;">Page 47</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. And just to be clear on how those two groups of</p> <p>3 databases are different, felons who are registered sexual</p> <p>4 offenders, does that include both people with a Florida</p> <p>5 state conviction and people with convictions from other</p> <p>6 states who are required to register as sex offenders in</p> <p>7 Florida?</p> <p>8 A. My understanding is that, yes.</p> <p>9 Q. And you said that's shared with your office. Does</p> <p>10 that -- what does that mean exactly?</p> <p>11 A. What I mean is that it is available through this</p> <p>12 secure FTP site, that the Florida Department of Law</p> <p>13 Enforcement uploads that information, and then we are able</p> <p>14 to access that information.</p> <p>15 Q. Would your office need to affirmatively seek out</p> <p>16 that information, or would there be an automatic match</p> <p>17 between those two data sets?</p> <p>18 A. There is no automated match during that data set.</p> <p>19 There is one data set coming over to us saying here is a</p> <p>20 list of registered sexual offenders.</p> <p>21 Q. So, for example, I'm trying to ask questions in a</p> <p>22 nontechnical way for my own sake really. Is there a</p> <p>23 website where you can input a name and see if there is --</p> <p>24 input a name into the felony registered sexual offenders</p> <p>25 database and see if that's a match?</p>                    |
| <p style="text-align: right;">Page 48</p> <p>1 MARIA MATTHEWS</p> <p>2 A. No. The information that is accessible through</p> <p>3 the secured FTP site is in manually. So we take that</p> <p>4 information and we go and search the voter registration</p> <p>5 rolls to see if we can find someone with that name, that</p> <p>6 date of birth.</p> <p>7 Q. So it's a regularly updated set of files?</p> <p>8 A. It is regularly provided to us, yes. I don't</p> <p>9 remember the frequency in which that information is</p> <p>10 uploaded.</p> <p>11 Q. Approximately every day or every year? Just</p> <p>12 ballpark.</p> <p>13 A. It's not once a year and it's not daily.</p> <p>14 Q. Would you say once a month?</p> <p>15 A. Again, I think it may be monthly.</p> <p>16 Q. Okay. Going to state felons -- out-of-state</p> <p>17 felons with the Department of Corrections, first of all, do</p> <p>18 you have a Memorandum of Agreement with FDOC related to</p> <p>19 data sharing?</p> <p>20 A. Yes, we have an agreement with the Department of</p> <p>21 Corrections.</p> <p>22 Q. And when was that agreement entered into?</p> <p>23 A. I can't remember the last date of that agreement,</p> <p>24 but it would have been around the same time as when we</p> <p>25 launched the Florida Voter Registration System.</p>                                                                                                                                                                                                                                                                                                                 | <p style="text-align: right;">Page 49</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. So around 2006?</p> <p>3 A. That was our initial -- I believe that was our</p> <p>4 initial agreement date.</p> <p>5 Q. And when was it last updated?</p> <p>6 A. I can't recall. We also are in the midst of</p> <p>7 revising that agreement to also look at additional fields</p> <p>8 of information that the Department of Corrections may have</p> <p>9 that may be helpful to us in fulfilling our duty under the</p> <p>10 law.</p> <p>11 Q. Okay. When did those revisions with -- revisions</p> <p>12 of the Memorandum of Agreement between your division and</p> <p>13 the Department of Corrections begin?</p> <p>14 A. It was last year. Again, we have regular meetings</p> <p>15 with the Department of Corrections regarding felon</p> <p>16 processes. So we would have as part of and in anticipation</p> <p>17 of Constitutional Amendment 4, as well as the state law</p> <p>18 that was enacted, we would have reached out to Department</p> <p>19 of Corrections and started asking them what information</p> <p>20 fields do you have. We know what we are getting. Now what</p> <p>21 can we do to -- do you have additional fields that may be</p> <p>22 helpful for us or that can be tweaked that would enhance</p> <p>23 the quality of whatever the match and also give us</p> <p>24 information that can help us implement the law.</p> <p>25 Q. So those discussions I believe you just said would</p> |

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| <p style="text-align: right;">Page 50</p> <p>1 MARIA MATTHEWS</p> <p>2 have begun before November 2018?</p> <p>3 A. I don't know if they started exactly on this point</p> <p>4 beforehand, but, again, we have regularly scheduled</p> <p>5 meetings with the Department of Corrections.</p> <p>6 Q. Okay.</p> <p>7 A. Yes.</p> <p>8 Q. Beyond just the conversations, when did you begin</p> <p>9 the process of updating the Memorandum of Agreement with</p> <p>10 FDOC?</p> <p>11 A. We would have started talking about the file specs</p> <p>12 sometime around November or December and then also</p> <p>13 recognize that we would have to revise the Memorandum of</p> <p>14 Agreement in order to incorporate those changes.</p> <p>15 Q. So unlike with FDLE, you have not yet changed the</p> <p>16 file specs with FDOC; is that correct?</p> <p>17 A. Those are ongoing right now, those revisions.</p> <p>18 Q. But they have -- I assume when the file specs</p> <p>19 change, it changes what sort of information is used for --</p> <p>20 to match files. They have not changed yet; is that</p> <p>21 correct, while the discussions are ongoing?</p> <p>22 A. The new agreement has not been adopted or signed</p> <p>23 yet, no.</p> <p>24 Q. The new agreement hasn't been adopted.</p> <p>25 Separately, have new file specs been put in place?</p>                                                                                                                                                                                                                                                           | <p style="text-align: right;">Page 51</p> <p>1 MARIA MATTHEWS</p> <p>2 A. No.</p> <p>3 Q. So the only -- of the three databases that we have</p> <p>4 discussed so far, the only database where the file specs</p> <p>5 has changed since November 2018 is the FDLE database?</p> <p>6 A. No. No file specs have changed formally yet. We</p> <p>7 are all in discussions regarding that to make sure that we</p> <p>8 are all in agreement as to what each agency has in terms of</p> <p>9 information that is valuable and useful for us to be able</p> <p>10 to implement the law. So there is a lot of back and forth</p> <p>11 that goes on to make sure, and then there has to be testing</p> <p>12 of those files that make sure that the data does get</p> <p>13 pulled.</p> <p>14 You are talking about agencies that each have</p> <p>15 systems that are created and need to be able to talk to</p> <p>16 each other and share data. That is ongoing right now.</p> <p>17 Q. So nothing has changed yet on the file specs</p> <p>18 between your division and these departments; is that</p> <p>19 correct?</p> <p>20 A. We are getting felony information, but we are</p> <p>21 getting it under the existing criteria and file specs.</p> <p>22 Q. Okay. As far as the next column, federal felons,</p> <p>23 what access does the Division of Elections currently</p> <p>24 have -- sorry, let me start that again.</p> <p>25 The next column lists U.S. Attorneys' offices, and</p> |
| <p style="text-align: right;">Page 52</p> <p>1 MARIA MATTHEWS</p> <p>2 at the top it says federal felons, and it lists paper</p> <p>3 (mail, email, fax) as the means of file transfer. What</p> <p>4 sort of agreement does the Division have with U.S.</p> <p>5 Attorneys' Offices as far as accessing conviction records?</p> <p>6 A. We do not have any formal agreement. This is</p> <p>7 governed by federal and state law.</p> <p>8 Q. And the state law governs only the transfer of</p> <p>9 records with U.S. Attorneys' offices within federal</p> <p>10 jurisdictions within Florida; is that correct?</p> <p>11 A. No. By federal law the National Voter</p> <p>12 Registration Act, as well as under the state law 98.093,</p> <p>13 U.S. Attorneys' Offices are required to report federal</p> <p>14 felon information to the State. We have three, of course,</p> <p>15 federal district courts in Florida, the north, the middle,</p> <p>16 and the southern, but we periodically also receive</p> <p>17 quarterly reports from other federal jurisdictions</p> <p>18 regarding felons that they believe have some connection</p> <p>19 with Florida. It could be that they were previously from</p> <p>20 Florida, it could be that they have moved to Florida, and</p> <p>21 these are all received by paper, you know, by mail, email,</p> <p>22 or fax, and we just deal with them as we get them.</p> <p>23 Q. So to make sure I understand, all U.S. Attorneys'</p> <p>24 Offices nationwide are required by federal law to send you</p> <p>25 quarterly reports on everybody with a felony conviction who</p> | <p style="text-align: right;">Page 53</p> <p>1 MARIA MATTHEWS</p> <p>2 has some connection to Florida; is that correct?</p> <p>3 A. That is -- that's how we believe that information</p> <p>4 is getting to us, because we don't know otherwise that they</p> <p>5 feel that that information is relevant to Florida.</p> <p>6 Q. And so you receive those sorts of quarterly</p> <p>7 reports from every U.S. Attorneys' Office nationwide?</p> <p>8 A. I don't know if I have received it from every. We</p> <p>9 mostly receive it from Pennsylvania, North Carolina,</p> <p>10 Virginia, Michigan. All across the country, but it's not</p> <p>11 consistent.</p> <p>12 Q. Is it your understanding that those U.S.</p> <p>13 Attorneys' Offices are required to send the State of</p> <p>14 Florida, and presumably other states, that information?</p> <p>15 A. If there is a connection, I imagine, between the</p> <p>16 felon and Florida, yes.</p> <p>17 Q. Does that go directly to the Division of</p> <p>18 Elections?</p> <p>19 A. Yes, we receive that, and then we process that</p> <p>20 manually.</p> <p>21 Q. Okay. So would you be alerted to new federal</p> <p>22 felon convictions immediately -- not immediately, but</p> <p>23 quarterly from every federal jurisdiction in the country?</p> <p>24 A. I'm only going to know those that submit</p> <p>25 something.</p>                                                                                                  |

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| <p style="text-align: right;">Page 54</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. But your understanding is all are required to</p> <p>3 submit something to Florida if there is a conviction if the</p> <p>4 person convicted has some relation to Florida; is that</p> <p>5 correct?</p> <p>6 A. I believe that's their duty to do.</p> <p>7 Q. Okay. Ballpark, approximately how many states'</p> <p>8 federal jurisdictions do that?</p> <p>9 A. I would assume all 50 do it, but we may not</p> <p>10 necessarily be a state to which they have information that</p> <p>11 is supposed to be reported to us.</p> <p>12 Q. Okay. Because there is no connection to Florida</p> <p>13 with their convictions in, say, North Dakota or something</p> <p>14 like that?</p> <p>15 A. Correct.</p> <p>16 Q. And you receive those by -- individually by mail,</p> <p>17 email, or fax?</p> <p>18 A. They can come in in a variety of ways. It can be</p> <p>19 an email, for example, with a single record, or it could be</p> <p>20 an email with a quarterly report that lists a number of</p> <p>21 individuals.</p> <p>22 Q. Do you ever request individual records from</p> <p>23 U.S. Attorneys' Offices?</p> <p>24 A. What do you mean by "individual"?</p> <p>25 Q. Make an affirmative request as opposed to wait to</p>                                                                                                                                                                                                                                     | <p style="text-align: right;">Page 55</p> <p>1 MARIA MATTHEWS</p> <p>2 get records from them?</p> <p>3 A. The three districts in Florida are the ones that</p> <p>4 we periodically check to make sure that we are getting</p> <p>5 information from their offices.</p> <p>6 Q. All right. The final category, federal and state</p> <p>7 court clerks, what information do you receive from those</p> <p>8 entities?</p> <p>9 A. From the state court clerks, that, again, is</p> <p>10 random in terms of whether a state sends us that</p> <p>11 information. It can also be triggered by information that</p> <p>12 we may have gotten that someone is potentially ineligible,</p> <p>13 and we reach out to that out-of-state clerk. It can also</p> <p>14 be if it's a person who is a convicted felon and within the</p> <p>15 custody of the Department of Corrections for an</p> <p>16 out-of-state conviction, then we will reach out to the</p> <p>17 clerk of court to obtain whatever documents, supporting</p> <p>18 documents, regarding that conviction.</p> <p>19 Q. Okay. So the other out-of-state court clerks are</p> <p>20 not required to send you -- to send the State of Florida</p> <p>21 conviction records; is that correct?</p> <p>22 A. No.</p> <p>23 Q. And you said your office receives some randomly</p> <p>24 from out-of-state court clerks?</p> <p>25 A. Sometimes we will receive it. It's interim. It's</p>                                                                                                                                            |
| <p style="text-align: right;">Page 56</p> <p>1 MARIA MATTHEWS</p> <p>2 periodic. It also would be if we reach out because of</p> <p>3 information we may have heard that someone is ineligible</p> <p>4 based on an out-of-state conviction.</p> <p>5 Q. Is that the primary -- the primary point of access</p> <p>6 with out-of-state court clerks, your department</p> <p>7 affirmatively reaching out to obtain court records?</p> <p>8 A. If we receive information that suggests that there</p> <p>9 might be credible and reliable information that someone has</p> <p>10 an out-of-state conviction. We do not have access to</p> <p>11 national convictions across the country.</p> <p>12 Q. Okay. So those are the circumstances under which</p> <p>13 you would reach out, but you are only -- your primary</p> <p>14 access to records is when you reach out affirmatively to</p> <p>15 others such as out-of-state clerks; is that correct?</p> <p>16 A. Correct.</p> <p>17 Q. As far as your sharing of that information with</p> <p>18 the Supervisors of Elections, if you can turn one page back</p> <p>19 to DOSG-000488, what's on that page?</p> <p>20 A. This page is entitled "Process for identifying and</p> <p>21 removing." And what it shows is the initial process for</p> <p>22 information that we receive or have access to regarding a</p> <p>23 potential ineligibility and then based on cross-checking,</p> <p>24 of course, with the voter registration rolls.</p> <p>25 The Bureau of Voter Registration Services is</p> | <p style="text-align: right;">Page 57</p> <p>1 MARIA MATTHEWS</p> <p>2 primarily responsible for reviewing the information that is</p> <p>3 received or accessed to determine if it's credible and</p> <p>4 reliable. If it's not credible or reliable, it could be</p> <p>5 reasons that it's an identity mismatch, it's then deemed</p> <p>6 invalid. If it's not credible and reliable because it's</p> <p>7 actually not a felony conviction, it's deemed invalid. If</p> <p>8 it's because it was a felony conviction but its</p> <p>9 adjudication withheld, it will be deemed invalid. If it's</p> <p>10 a felony conviction but initially charged that way but it</p> <p>11 ended up that it got downgraded, it will also be invalid.</p> <p>12 If there is insufficient information to be able to</p> <p>13 be comfortable with it in any way, we don't feel that it's</p> <p>14 credible and reliable, we are going to mark it as invalid,</p> <p>15 and that's the end of the line right there. That file</p> <p>16 doesn't go anywhere else. The individual remains on the</p> <p>17 rolls.</p> <p>18 Q. Okay. So you said BVRS is responsible for</p> <p>19 reviewing automated matches when they come into your</p> <p>20 office?</p> <p>21 A. They are responsible for reviewing automated</p> <p>22 matches as well as any paper information that comes along.</p> <p>23 They then begin the manual process of creating a case file</p> <p>24 that builds the case on whether this is a credible and</p> <p>25 reliable match so they can determine whether it's valid or</p> |

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| <p style="text-align: right;">Page 58</p> <p>1 MARIA MATTHEWS</p> <p>2 invalid.</p> <p>3 Q. How many employees in BVRS are tasked with doing</p> <p>4 the reviews you just described?</p> <p>5 A. We have 21 individuals that are in the bureau.</p> <p>6 Nine are primarily examiners, five are reviewers, although</p> <p>7 the reviewers can also serve as examiners based on whatever</p> <p>8 the workload is at that time. We also have at this time</p> <p>9 six OPS.</p> <p>10 Q. What's OPS?</p> <p>11 A. OPS is Other Personnel Services, that's the</p> <p>12 abbreviation. It just means temporary staff. They work --</p> <p>13 it's sort of a misnomer because they do work -- they don't</p> <p>14 work any more than 25 hours a week.</p> <p>15 Q. Okay. And that's quite a few staff members</p> <p>16 involved in this process. Is the process standardized in</p> <p>17 any way?</p> <p>18 A. Yes, it is. They have to follow procedures</p> <p>19 regarding -- that are laid out for how to make a credible</p> <p>20 and reliable match record building that case file.</p> <p>21 Q. And are those procedures memorialized anywhere?</p> <p>22 A. Yes.</p> <p>23 Q. Where? Where would we find those procedures?</p> <p>24 A. Those procedures are laid out in a manual.</p> <p>25 Q. Has that manual been updated in the last six</p>                                                                                                                                                                                           | <p style="text-align: right;">Page 59</p> <p>1 MARIA MATTHEWS</p> <p>2 months?</p> <p>3 A. Yes.</p> <p>4 Q. When was it last updated?</p> <p>5 A. It has been updated a couple of times as relative</p> <p>6 to this process regarding felon matching.</p> <p>7 Q. Okay. And I will ask you in a moment about an</p> <p>8 update in June of 2019.</p> <p>9 Do you recall when it was updated prior to June of</p> <p>10 2019? To restate the question, how long were the prior</p> <p>11 procedures in place before June 2019?</p> <p>12 A. I know that we -- in December, we revised the</p> <p>13 procedures particular to felons since we were now in this</p> <p>14 period of a month between the constitutional amendment</p> <p>15 being adopted and it becoming effective in January.</p> <p>16 Q. Were there any other revisions made to these</p> <p>17 internal match procedures between December of 2018 and</p> <p>18 June of 2019?</p> <p>19 A. There are various drafts, but then the next final</p> <p>20 one is the one in June.</p> <p>21 Q. Okay. And prior to December 2018, when was the</p> <p>22 last time that the procedures were updated?</p> <p>23 A. That I don't recall.</p> <p>24 Q. Approximately months earlier or years earlier?</p> <p>25 A. The manual always is undergoing updates to reflect</p>                                                                                                                          |
| <p style="text-align: right;">Page 60</p> <p>1 MARIA MATTHEWS</p> <p>2 practices and cleanup or anything like that, so I do not</p> <p>3 know.</p> <p>4 Q. Okay. So, again -- well, this manual that was</p> <p>5 revised in 2018, are you talking about a general practices</p> <p>6 for the Division -- for BVRS manual or a manual specific to</p> <p>7 identifying and removing individuals from the voter rolls?</p> <p>8 A. The manual is an internal procedures manual that</p> <p>9 governs all the activities within the Bureau of Voter</p> <p>10 Registration Services. In particular what I'm talking</p> <p>11 about are these felon-matching processes.</p> <p>12 Q. Just to go back a moment regarding the staff</p> <p>13 tasked with identifying and -- sorry, the staff tasked with</p> <p>14 the process for identification and removing people with a</p> <p>15 conviction. What is the role of an examiner?</p> <p>16 A. The examiner is the person who has the information</p> <p>17 and then is charged with creating and gathering the</p> <p>18 information to determine whether it's credible and</p> <p>19 reliable, and they build the case file.</p> <p>20 Q. Okay. And a reviewer, how is a reviewer's role</p> <p>21 different from an examiner?</p> <p>22 A. A reviewer is an individual who then takes the</p> <p>23 examiner's file, whether they have deemed it valid or</p> <p>24 invalid, and reviews it to determine whether they agree</p> <p>25 with it or they find there is some deficiency in the file</p> | <p style="text-align: right;">Page 61</p> <p>1 MARIA MATTHEWS</p> <p>2 or some inconsistency or anything to review it. It's a</p> <p>3 secondary level review.</p> <p>4 Q. If those two positions agree, if the examiner and</p> <p>5 the reviewer agree that they have identified a match</p> <p>6 between a conviction and a registered voter and should</p> <p>7 begin the process for removal, I assume the process then</p> <p>8 begins. But my question is what if the examiner and the</p> <p>9 reviewer do not agree?</p> <p>10 A. So once the examiner creates the file and the file</p> <p>11 is sent on to a reviewer, the reviewer looks at it, and if</p> <p>12 they agree that it is invalid, they both agree it's</p> <p>13 invalid, end of story, registered voter stays on the rolls.</p> <p>14 If the file is that they believe it is a valid</p> <p>15 match but one -- the reviewer doesn't agree, then it gets</p> <p>16 sent back and discussion about why they don't agree as to</p> <p>17 whether it's valid or not.</p> <p>18 Q. Discussion between who?</p> <p>19 A. The examiner and the reviewer.</p> <p>20 Q. And who makes the final say on whether it's a</p> <p>21 valid match?</p> <p>22 A. The match will then be bumped up to the supervisor</p> <p>23 to determine. If there cannot be any agreement, then,</p> <p>24 again, we will not proceed with the match.</p> <p>25 Q. So I think there might be -- I might be</p> |



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| <p style="text-align: right;">Page 62</p> <p>1 MARIA MATTHEWS</p> <p>2 misunderstanding. It's bumped up to who is the supervisor?</p> <p>3 A. The supervisor, the floor supervisor that I spoke</p> <p>4 of.</p> <p>5 Q. And that is -- what was the name of that person?</p> <p>6 A. Tiffany Morley.</p> <p>7 Q. Okay. And does she make the final determination</p> <p>8 if there is disagreement between an examiner and a</p> <p>9 reviewer?</p> <p>10 A. It depends on whether it can be resolved at that</p> <p>11 point. If it's because they need more documentation --</p> <p>12 it's a case-by-case basis.</p> <p>13 Q. What kind of training does an examiner have for</p> <p>14 that position?</p> <p>15 A. Examiners are provided training regarding if there</p> <p>16 is any changes, they will have a workshop, and they will be</p> <p>17 given -- they will be -- it's a face-to-face workshop.</p> <p>18 They will discuss the procedures, ask them if they have</p> <p>19 anything, if they have any questions or anything like that,</p> <p>20 and then they will -- we have them sign a document that</p> <p>21 says that they understand the procedures and that if they</p> <p>22 have any questions they need to be asking them.</p> <p>23 Q. And for reviewers, what sort of training do they</p> <p>24 receive?</p> <p>25 A. Same.</p> | <p style="text-align: right;">Page 63</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. Okay.</p> <p>3 A. They are all conducted in one workshop.</p> <p>4 Q. Okay. And I will ask you momentarily about that</p> <p>5 reviewing process. Once that process is complete, how</p> <p>6 often are those files identified as matching and valid, and</p> <p>7 valid means identifying a voter as potentially ineligible,</p> <p>8 how often are those sent to the Supervisors of Elections?</p> <p>9 A. Over the course of the years, we see that it's</p> <p>10 probably about 22 to 25 percent of the initial potential</p> <p>11 matches are deemed invalid.</p> <p>12 Q. Okay. The initial potential matches. Explain to</p> <p>13 me at what stage in that match process is it considered</p> <p>14 initial.</p> <p>15 A. It's always initial until the supervisor gets it</p> <p>16 and determines -- gives the voter the opportunity to</p> <p>17 contest it or have that opportunity to be heard and</p> <p>18 determines that the person is, indeed, ineligible. For me</p> <p>19 they are until that point potentially ineligible.</p> <p>20 Q. Does that mean that 22 to 25 percent of the files</p> <p>21 that you send to Supervisors of Elections are --</p> <p>22 A. No. Twenty-two to 25 percent are the ones that we</p> <p>23 determine at our point that the information is not credible</p> <p>24 and reliable, so we don't forward that on.</p> <p>25 Q. So does that mean that 22 to 25 percent of the</p> |
| <p style="text-align: right;">Page 64</p> <p>1 MARIA MATTHEWS</p> <p>2 initial automated matches are over the course of the</p> <p>3 process in your office deemed to be not credible and</p> <p>4 reliable and never sent to the Supervisors of Elections?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. Does your office track -- among the records</p> <p>7 that you send to the Supervisors of Elections, does your</p> <p>8 office, first of all, track the numbers sent to each</p> <p>9 supervisor in each county?</p> <p>10 A. Yes.</p> <p>11 Q. Do you track the number that are removed from the</p> <p>12 rolls?</p> <p>13 A. Only when we are asked for statistical</p> <p>14 information. Supervisors of Elections are required to</p> <p>15 record their determination, whether they are going to</p> <p>16 determine that it's valid or invalid once it has gone</p> <p>17 through the entire due process.</p> <p>18 Q. So you aggregate the information from supervisors,</p> <p>19 but you don't have a way of collecting it independently; is</p> <p>20 that correct?</p> <p>21 A. That information can be gathered based on the</p> <p>22 supervisors recording what action they took in the Florida</p> <p>23 Voter Registration System.</p> <p>24 Q. Are they required to record and provide that</p> <p>25 within your division?</p>               | <p style="text-align: right;">Page 65</p> <p>1 MARIA MATTHEWS</p> <p>2 A. It's within the Florida Voter Registration System.</p> <p>3 Q. I see.</p> <p>4 A. If we need to collect that information, we can</p> <p>5 extract it.</p> <p>6 Q. So you have access to those records of how many</p> <p>7 people were removed versus how many times files were sent</p> <p>8 from the Secretary of State's Office to the Supervisors of</p> <p>9 Elections office?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. I am going to show you a document that I</p> <p>12 will mark as Exhibit 2.</p> <p>13 (Document marked as Exhibit 2</p> <p>14 for identification)</p> <p>15 BY MS. EBENSTEIN:</p> <p>16 Q. We have been going for about an hour and a half,</p> <p>17 so we will discuss this document and then take a short</p> <p>18 break.</p> <p>19 Do you recognize this document?</p> <p>20 A. Yes.</p> <p>21 Q. What is this document?</p> <p>22 A. This document is entitled the "Constitutional</p> <p>23 Amendment Petition Form." It is the approved form for</p> <p>24 Serial No. 14-01, the initiative petition that was approved</p> <p>25 on October 31, 2014, for what would become Constitutional</p>                                                                                                                                                                                                                                                                                                        |

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| <p style="text-align: right;">Page 66</p> <p>1 MARIA MATTHEWS</p> <p>2 Amendment 4.</p> <p>3 Q. Okay. So the voting restoration amendment is</p> <p>4 commonly referred to as Amendment 4; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. And how did that constitutional amendment get onto</p> <p>7 the ballot for November 2018?</p> <p>8 A. By law any initiative to change the constitutional</p> <p>9 amendment requires a sponsoring committee to submit their</p> <p>10 initiative petition language to the Division of Elections.</p> <p>11 The Division of Elections is required to review it solely</p> <p>12 as to format.</p> <p>13 The initiative petition has to be submitted using</p> <p>14 a prescribed petition form. That form includes space that</p> <p>15 the voter can sign once it's approved for circulation. It</p> <p>16 includes the ballot title, the ballot summary, the article</p> <p>17 and section being created or amended, and then the full</p> <p>18 text of the proposed constitutional amendment so that once</p> <p>19 a sponsoring political committee, which has to form in</p> <p>20 order to be able to do this, can then circulate this</p> <p>21 petition and gather signatures.</p> <p>22 The law requires certain thresholds to be met as</p> <p>23 part of the process. The first is once they meet -- well,</p> <p>24 first of all, they have to meet a signature threshold in</p> <p>25 order to get on the ballot, and that is based on the number</p> | <p style="text-align: right;">Page 67</p> <p>1 MARIA MATTHEWS</p> <p>2 of registered voters, based on Congressional districts, and</p> <p>3 right now I believe the signature threshold is somewhere</p> <p>4 around 766,000.</p> <p>5 In the interim while they are gathering those</p> <p>6 signatures, there is also a process where if they meet the</p> <p>7 10 percent of the signatures, that then triggers judicial</p> <p>8 review as well as fiscal impact review.</p> <p>9 Assuming everything goes well for the sponsoring</p> <p>10 political committee, they obtain their requisite</p> <p>11 signatures, the judicial review, which is, you know, is the</p> <p>12 ballot summary, you know, plain and understandable, I</p> <p>13 suppose -- I forget the exact statement.</p> <p>14 Q. That's the single subject rule?</p> <p>15 A. Yeah.</p> <p>16 And the fiscal impact. Then they are approved and</p> <p>17 they get a ballot position, which we issue that ballot</p> <p>18 position.</p> <p>19 Q. Who undertakes the fiscal impact review?</p> <p>20 A. That's done by the Joint -- I believe it's the</p> <p>21 Joint Office of Economic Demographics. It's a legislative</p> <p>22 office.</p> <p>23 Q. Do you recall the fiscal impact of Amendment 4</p> <p>24 contained in that fiscal impact review that came with the</p> <p>25 constitutional amendment?</p> |
| <p style="text-align: right;">Page 68</p> <p>1 MARIA MATTHEWS</p> <p>2 A. I know that there was one at that time, but I</p> <p>3 don't have the -- I don't recall the exact impact that they</p> <p>4 said.</p> <p>5 Q. Okay.</p> <p>6 MS. EBENSTEIN: Let's go off the record and just</p> <p>7 take a short five-minute break.</p> <p>8 (Recessed at 10:33 a.m.)</p> <p>9 (Resumed at 10:53 a.m.)</p> <p>10 BY MS. EBENSTEIN:</p> <p>11 Q. We just went through the provisions of Amendment 4</p> <p>12 which we said passed in November of 2018. After passage of</p> <p>13 Amendment 4, did the Division of Elections receive</p> <p>14 inquiries regarding Amendment 4 from Supervisors of</p> <p>15 Elections?</p> <p>16 A. Yes.</p> <p>17 Q. And did the Division of -- how many inquiries</p> <p>18 would you say the Division received?</p> <p>19 A. I don't recall.</p> <p>20 Q. Do you recall whether it was closer to 10 or 100?</p> <p>21 A. I don't recall.</p> <p>22 Q. Did the Division of Elections -- you mentioned</p> <p>23 earlier that the Division provides guidance, even if it's</p> <p>24 informal guidance, when an issue is coming up repeatedly by</p> <p>25 way of Supervisor of Elections inquiries. Did the Division</p>                                                                                                                                                                                                                                                     | <p style="text-align: right;">Page 69</p> <p>1 MARIA MATTHEWS</p> <p>2 provide any guidance to Supervisors of Elections in</p> <p>3 November of 2018?</p> <p>4 A. We would provide guidance as needed, so I don't</p> <p>5 know if specifically in November.</p> <p>6 Q. Do you recall late 2018 whether you provided</p> <p>7 guidance, either in November or December, immediately after</p> <p>8 the passage of Amendment 4?</p> <p>9 A. I would have to look at emails.</p> <p>10 Q. Okay. I mean, it was in Florida and nationally a</p> <p>11 rather large change to the voter registration process.</p> <p>12 A. I understand. I just don't recall specifics,</p> <p>13 so...</p> <p>14 Q. I'm going to give you a document Bates stamped</p> <p>15 DOSG-0013257 that we will mark as Exhibit 3.</p> <p>16 (Document marked as Exhibit 3</p> <p>17 for identification)</p> <p>18 BY MS. EBENSTEIN:</p> <p>19 Q. What is this document?</p> <p>20 A. This appears to be an email from Toshia Brown to</p> <p>21 Amber Marconnet, Toshia Brown being the chief of the voter</p> <p>22 registration service and Amber Marconnet being her second</p> <p>23 in command. It's dated 12/4/2018, and it seems to be</p> <p>24 referring to an email that was sent initially by</p> <p>25 Supervisors of Elections Mark Earley, who is the</p>                                               |

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| <p style="text-align: right;">Page 70</p> <p>1 MARIA MATTHEWS</p> <p>2 Supervisors of Elections for Leon County, regarding</p> <p>3 questions about Constitutional Amendment 4.</p> <p>4 Q. If you look halfway down the page to the content</p> <p>5 of Supervisors of Elections Earley's email, I will give you</p> <p>6 a moment just to read through that.</p> <p>7 A. (Witness reviewing document.)</p> <p>8 Okay.</p> <p>9 Q. Okay. Supervisor Earley inquires about what to do</p> <p>10 with voters whose removal is pending. It says, "First</p> <p>11 question: If a voter was registered before the January 8th</p> <p>12 date, and they are currently in process for being removed,</p> <p>13 can we put those removals on hold?"</p> <p>14 How did you answer Supervisor Earley's question</p> <p>15 about pending removals at that time in late November?</p> <p>16 A. I don't recall how we answered.</p> <p>17 Q. What was the Division's policy in late November</p> <p>18 after the amendment passed with regard to removals that</p> <p>19 were pending at the Supervisors of Elections' offices?</p> <p>20 A. At that time, although the constitutional</p> <p>21 amendment had been adopted, it didn't take effect until</p> <p>22 January 8th, so whatever the current processes were in</p> <p>23 place still applied.</p> <p>24 Q. So the position of the Division was not to put the</p> <p>25 pending removals on hold in December of 2018; is that</p> | <p style="text-align: right;">Page 71</p> <p>1 MARIA MATTHEWS</p> <p>2 correct?</p> <p>3 A. If Supervisors of Elections had files in their</p> <p>4 possession, they would have been at various stages of the</p> <p>5 due process, so they are still obligated to follow that law</p> <p>6 and follow it all the way through. So at this point there</p> <p>7 would have been no reason for them to have put them on</p> <p>8 hold.</p> <p>9 Q. And would you have advised Supervisor Earley that</p> <p>10 that was the Division's position?</p> <p>11 A. I don't recall what our response was.</p> <p>12 Q. But generally -- but that was the Division's</p> <p>13 position at the time. Is it safe to assume for those</p> <p>14 supervisors who asked a question regarding the Division's</p> <p>15 position that you would have told them?</p> <p>16 A. This email from Supervisor Earley is dated</p> <p>17 November 30th. A week later there was the mid-winter</p> <p>18 conference with Supervisors of Elections. We would have</p> <p>19 told them, and I believe that we did tell them, at that</p> <p>20 point our intent was not to send any further felon files at</p> <p>21 that juncture, but any that were in their possession or</p> <p>22 process at that point were to be continued under the</p> <p>23 existing law.</p> <p>24 Q. Okay. Along with inquiries from supervisors, did</p> <p>25 you receive direct -- did your division receive direct</p> |
| <p style="text-align: right;">Page 72</p> <p>1 MARIA MATTHEWS</p> <p>2 inquiries from voters regarding the requirements of</p> <p>3 Amendment 4?</p> <p>4 A. We did receive calls on the Voter Assistance</p> <p>5 Hotline.</p> <p>6 Q. What is the Voter Assistance Hotline?</p> <p>7 A. The Voter Assistance Hotline is the hotline that</p> <p>8 the Bureau of Voter Registration Services primarily</p> <p>9 supports, and it takes calls in from whoever calls through</p> <p>10 that line regarding a variety of questions ranging from</p> <p>11 voting, voter registration, primary elections, any issues</p> <p>12 related to elections.</p> <p>13 Q. And who staffs that hotline?</p> <p>14 A. The Bureau of Voter Registration Services.</p> <p>15 Q. Which members of the bureau in particular?</p> <p>16 A. Pretty much everyone except OPS.</p> <p>17 Q. Okay. Did you direct the staff of BVRS as to what</p> <p>18 they should tell people who inquired about standards under</p> <p>19 Amendment 4 when they were answering the Voter Assistance</p> <p>20 Hotline?</p> <p>21 A. At that point it would have been whatever law is</p> <p>22 in effect at that point applies and the same requirements</p> <p>23 for eligibility have to be satisfied, and that is if you --</p> <p>24 you cannot be a convicted felon without having your rights</p> <p>25 restored.</p>                                                                                         | <p style="text-align: right;">Page 73</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. So is that how you instructed that the staff of</p> <p>3 the Voter Assistance Hotline, how they should answer</p> <p>4 inquiries about Amendment 4?</p> <p>5 A. It would have been however it's in the Voter</p> <p>6 Assistance Hotline manual.</p> <p>7 Q. Did you receive inquiries from legislators in</p> <p>8 November of 2018 related to Amendment 4?</p> <p>9 A. I don't recall that I got inquiries from</p> <p>10 legislators in November. I do know that before the</p> <p>11 legislative session started, I was asked to participate in</p> <p>12 panel discussions.</p> <p>13 Q. Aside from the panel discussions, did you receive</p> <p>14 direct inquiries from legislators or their staff?</p> <p>15 A. I don't recall.</p> <p>16 Q. Do you recall receiving any communication from</p> <p>17 individual legislators?</p> <p>18 A. I just don't recall.</p> <p>19 Q. Who in the Division of Elections -- does the</p> <p>20 Division of Elections have staff members that focus on the</p> <p>21 legislature, on the legislative processes?</p> <p>22 A. The Florida Department of State has a legislative</p> <p>23 director, so any inquiries that come in that would come in</p> <p>24 from a legislator, or even if a legislator calls within our</p> <p>25 office, we will refer them to the legislative director, and</p>                                                    |

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| <p style="text-align: right;">Page 74</p> <p>1 MARIA MATTHEWS</p> <p>2 then it's funneled through that person.</p> <p>3 Q. Who is the person who currently holds that</p> <p>4 position?</p> <p>5 A. The person who holds that position right now is</p> <p>6 Brittany Dover, I think. I'm blanking out.</p> <p>7 Q. It's all right. It's a lot of information at</p> <p>8 once.</p> <p>9 A. Yeah.</p> <p>10 Q. So if you had incoming inquiries from legislators</p> <p>11 related to Amendment 4, they would have been directed to</p> <p>12 Brittany Dover or someone else in the Department of State's</p> <p>13 legislative office?</p> <p>14 A. Correct.</p> <p>15 Q. Did you have any communication with the Governor</p> <p>16 about the passage of Amendment 4 in late 2018?</p> <p>17 A. I don't recall.</p> <p>18 Q. I am going to give you another document,</p> <p>19 DOSG-0027126, and mark it as Exhibit 4.</p> <p>20 (Document marked as Exhibit 4</p> <p>21 for identification)</p> <p>22 BY MS. EBENSTEIN:</p> <p>23 Q. Please have a look at that document.</p> <p>24 A. (Witness reviewing document.)</p> <p>25 Q. What is this document?</p>                                                           | <p style="text-align: right;">Page 75</p> <p>1 MARIA MATTHEWS</p> <p>2 A. This appears to be an email from Toshia Brown to</p> <p>3 the staff regarding any questions about Amendment 4. The</p> <p>4 instruction is if there are any calls that come in, they</p> <p>5 should be directed to the office of the Governor, and then</p> <p>6 it provides a phone number.</p> <p>7 Q. And that email was sent from the chief of BVRS to</p> <p>8 the entire BVRS staff, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Why would BVRS or why would Division of Elections</p> <p>11 route inquiries about Amendment 4 to the Governor?</p> <p>12 A. I don't recall what the facts would have been</p> <p>13 other than perhaps they have the citizens office that they</p> <p>14 oversee as well as that the Governor serves on the</p> <p>15 Executive Clemency Board.</p> <p>16 Q. And is that phone number for the citizens</p> <p>17 information line?</p> <p>18 A. I don't know.</p> <p>19 Q. Okay. So it's your understanding of this email</p> <p>20 that the chief of BVRS was instructing people to call the</p> <p>21 citizens information line at the Governor's office?</p> <p>22 A. All I can say is that email says to direct the</p> <p>23 calls to the office of the Governor, and I don't know what</p> <p>24 that number goes to in the office of the Governor. There</p> <p>25 is various suboffices in the Governor's office.</p>                                                                                                                   |
| <p style="text-align: right;">Page 76</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. Okay. I am going to give you another document</p> <p>3 that we will mark Exhibit 5.</p> <p>4 (Document marked as Exhibit 5</p> <p>5 for identification)</p> <p>6 BY MS. EBENSTEIN:</p> <p>7 Q. These documents were not produced until during</p> <p>8 your deposition, so we have not had time to look at them,</p> <p>9 and we don't even have a copy of it. You and I will have</p> <p>10 to share this copy, unfortunately. It's a two-page</p> <p>11 document, if you can read through it.</p> <p>12 A. (Witness reviewing document.)</p> <p>13 Q. Let me know when you have had a chance to review.</p> <p>14 A. Okay.</p> <p>15 Q. If I can also take a look at that document?</p> <p>16 A. Sure.</p> <p>17 Q. This document is an email from Mike Bennett, the</p> <p>18 Supervisor of Elections of Manatee County, to yourself; is</p> <p>19 that correct?</p> <p>20 A. Yes.</p> <p>21 Q. And it's dated November 27, 2018. This email</p> <p>22 requests guidance for newly registered voters and files for</p> <p>23 currently registered voters who have been convicted of</p> <p>24 felonies; is that correct?</p> <p>25 A. Yes.</p> | <p style="text-align: right;">Page 77</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. And attached to that email is a memorandum from</p> <p>3 the Supervisor of Elections of Manatee County dated</p> <p>4 November 27, 2018. I'm just going to read this and then</p> <p>5 hand the document back to you. The memo says in part,</p> <p>6 "Until rulemaking is established to clarify and define the</p> <p>7 new eligibility criteria, please process voter registration</p> <p>8 applications for those potentially ineligible due to a</p> <p>9 felony conviction as follows. The same will apply to files</p> <p>10 sent by the Division of Elections for those who are</p> <p>11 currently registered.</p> <p>12 "Determine whether or not the applicant or</p> <p>13 registered voter is likely to meet the new criteria for</p> <p>14 automatic restoration of civil rights basing this</p> <p>15 determination primarily on the date of the felony</p> <p>16 conviction. Process those not likely to meet the new</p> <p>17 criteria as you have been doing. Hold all others until</p> <p>18 further notice."</p> <p>19 This appears to be a document from the Manatee</p> <p>20 County Supervisor of Elections to his staff. My</p> <p>21 understanding of it, just reading it briefly, is that he</p> <p>22 has instructed his staff to determine eligibility based on</p> <p>23 the time of conviction; is that correct?</p> <p>24 A. The email attaches his memo that he addressed to</p> <p>25 his staff addressing the issue of, you know, registration,</p> |

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| <p style="text-align: right;">Page 78</p> <p>1 MARIA MATTHEWS</p> <p>2 which Amendment 4 didn't change anything about that. You</p> <p>3 still have to be eligible in order to register.</p> <p>4 The process for identification whether somebody is</p> <p>5 ineligible, and, if so, has had his or her rights restored</p> <p>6 at the time of this memo also would not have changed yet</p> <p>7 until Constitutional Amendment 4. So it would have</p> <p>8 affected January 8th, then, the process for determining</p> <p>9 whether a person was ineligible and could be removed would</p> <p>10 be based on Constitutional Amendment 4.</p> <p>11 This was his decision to proceed and offer</p> <p>12 guidance to his staff as to what to do with the files that</p> <p>13 were for voter registration, with nothing changed, with</p> <p>14 files that were pending, which, again, the new law or</p> <p>15 restoration means had not yet changed, and then his</p> <p>16 determination of how he was going to handle those based on</p> <p>17 date of felony conviction.</p> <p>18 A Supervisor of Elections can receive information</p> <p>19 from us and process it about a potential ineligibility.</p> <p>20 They also have authority independent of ours upon</p> <p>21 information that they receive to act on processing a</p> <p>22 potential ineligible file.</p> <p>23 Within a week, I believe it was a week or week and</p> <p>24 a half, we had the mid-winter or winter conference with the</p> <p>25 Supervisors of Elections, and we would have offered</p> | <p style="text-align: right;">Page 79</p> <p>1 MARIA MATTHEWS</p> <p>2 guidance at that point about how to handle felon files.</p> <p>3 Q. Okay. This memo applies not only to the files.</p> <p>4 So my understanding of this memo is that it applies to both</p> <p>5 files that the County could have tracked down</p> <p>6 independently, and the same will apply to files sent by the</p> <p>7 Division of Elections for those who are currently</p> <p>8 registered.</p> <p>9 So this appears to be Manatee County's memo to</p> <p>10 staff not only related to voter registration but how to</p> <p>11 process removal -- names sent as part of the removal</p> <p>12 process from the Division of Elections; is that correct?</p> <p>13 The bottom of paragraph 2. Again, we are learning this</p> <p>14 together.</p> <p>15 A. (Witness reviewing document.)</p> <p>16 Honestly, I don't understand paragraph 2, because</p> <p>17 nothing changed about Constitutional Amendment 4 regarding</p> <p>18 voter registration application. If someone completed the</p> <p>19 application, all the information was there that would allow</p> <p>20 the supervisor to determine whether that person was</p> <p>21 eligible within the four corners of that document. That</p> <p>22 did not change with Constitutional Amendment 4, so I'm not</p> <p>23 sure what he is talking about voter registration</p> <p>24 applications, because at that point that is not where a</p> <p>25 determination of ineligibility after a person is</p> |
| <p style="text-align: right;">Page 80</p> <p>1 MARIA MATTHEWS</p> <p>2 registered.</p> <p>3 Q. The last sentence of paragraph 2, does that relate</p> <p>4 to registrations or removals?</p> <p>5 A. What he is saying there is until rulemaking --</p> <p>6 "Until rulemaking is established to clarify and define the</p> <p>7 new eligibility criteria, please process voter registration</p> <p>8 applications for those potentially ineligible due to a</p> <p>9 felony conviction."</p> <p>10 Honestly, I think you would have to ask Mike</p> <p>11 Bennett what he tried to say there.</p> <p>12 Q. Did you respond to Mr. Bennett with regard to at</p> <p>13 least the section that speaks to files sent by Division of</p> <p>14 Elections for those who are currently registered?</p> <p>15 A. We were continuing to send files at that point,</p> <p>16 and then within a week we had the mid-winter conference so</p> <p>17 there wouldn't have been a point to address them in the</p> <p>18 email.</p> <p>19 Q. Okay. When did the winter conference with the</p> <p>20 supervisors -- am I correct that the organization is called</p> <p>21 FSASE for short?</p> <p>22 A. That's correct. It's the Florida State</p> <p>23 Association of Supervisors of Elections, and it's</p> <p>24 abbreviated down to FSASE. They hold two conferences a</p> <p>25 year, one in the winter period and another during the</p>                                                                                                                                                  | <p style="text-align: right;">Page 81</p> <p>1 MARIA MATTHEWS</p> <p>2 summer months. So the conference typically in the winter,</p> <p>3 it has been at least in the last couple years, the first or</p> <p>4 second week of December.</p> <p>5 Q. Okay. Did you speak at that conference this past</p> <p>6 December?</p> <p>7 A. Yes.</p> <p>8 Q. In early December, did the Division of Elections</p> <p>9 at that point suspended sending felon files to the</p> <p>10 Counties?</p> <p>11 A. It was around when we announced it at the</p> <p>12 conference that we were no longer going to be sending files</p> <p>13 down. We were still examining the matches and</p> <p>14 invalidating -- invalidating those that were -- go back.</p> <p>15 If a match -- we were still examining matches. If</p> <p>16 a match was determined to be invalid, we were making that</p> <p>17 determination. If a match was valid or appeared to be</p> <p>18 valid, we were looking at the felony, the underlying</p> <p>19 felony, to get an idea of how many of these matches could</p> <p>20 potentially fall into these categories of being murder,</p> <p>21 felony sexual offense, and all others. So we would put</p> <p>22 them into buckets, but we weren't -- we were looking at</p> <p>23 them, but we weren't sending anything down to the County.</p> <p>24 Q. Just to be clear on the terminology, invalid, when</p> <p>25 you say "invalid," you mean that your office determines the</p>                                               |

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| <p style="text-align: right;">Page 82</p> <p>1 MARIA MATTHEWS</p> <p>2 voter is still eligible. So valid means potentially</p> <p>3 ineligible voter, invalid means voter remaining eligible?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. Who made the decision to suspend sending</p> <p>6 match files to the counties?</p> <p>7 A. That was a decision that after consultation with</p> <p>8 my staff and then consultation with my superiors regarding</p> <p>9 the fact that we were now one month away from the</p> <p>10 implementation of Constitutional Amendment 4, or the</p> <p>11 effective date of Constitutional Amendment 4, and anything</p> <p>12 that we would send down would now be caught between the</p> <p>13 transition, and we didn't want to -- we wanted to see -- we</p> <p>14 were doing our research, reaching out to our stakeholders.</p> <p>15 We expected and anticipated that perhaps the</p> <p>16 legislature would also be taking some action, so we didn't</p> <p>17 feel it was appropriate to send something down that would</p> <p>18 have to in the end be suspended or stopped in the middle.</p> <p>19 We wanted a consistent process to be in place when we</p> <p>20 started sending files down.</p> <p>21 Q. Okay. So one of your concerns was that you might</p> <p>22 send -- sorry. Scratch that.</p> <p>23 You said you consulted with your superiors. Who</p> <p>24 were your superiors at that time in December of 2018?</p> <p>25 A. Deputy Secretary Wes Underwood.</p> | <p style="text-align: right;">Page 83</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. Anyone else?</p> <p>3 A. It's the executive team. It's Jennifer Kennedy is</p> <p>4 the assistant. The legal office, we would just discuss to</p> <p>5 make sure that they were okay with my decision about that.</p> <p>6 Q. And who was the Secretary of State at that time?</p> <p>7 Still Secretary Detzner?</p> <p>8 A. That's correct.</p> <p>9 Q. Did you consult with anyone outside the Department</p> <p>10 of State in the decision to suspended transferring these</p> <p>11 files?</p> <p>12 A. I don't believe so.</p> <p>13 Q. Okay. So you made the announcement in December of</p> <p>14 2018 at the FSASE conference that you were going to suspend</p> <p>15 sending files. When was the next communication related to</p> <p>16 these ineligibility files that you had with all the</p> <p>17 Supervisors of Elections?</p> <p>18 A. The first that I can recall, but there may have</p> <p>19 been one in the interim, is February when we asked the</p> <p>20 supervisors for any -- if they had any matches that we had</p> <p>21 sent down that were pending that we wanted to pull those</p> <p>22 back so that at that point it was clear that the</p> <p>23 legislature was going to take some sort of legislative</p> <p>24 action, and we wanted to pull those back so that we could</p> <p>25 review them once procedures were finalized and based on</p>                                     |
| <p style="text-align: right;">Page 84</p> <p>1 MARIA MATTHEWS</p> <p>2 whatever the outcome of the legislative session was, that</p> <p>3 we could review them under the new appropriate standards.</p> <p>4 Q. I am going to give you a document. This was</p> <p>5 produced to us by your counsel responsive to Interrogatory</p> <p>6 No. 3, so there is not a Bates stamp number on it. I am</p> <p>7 marking it as Exhibit 6, and it's the email that you just</p> <p>8 referenced from you to all the Supervisors of Elections on</p> <p>9 February 11, 2019.</p> <p>10 (Document marked as Exhibit 6</p> <p>11 for identification)</p> <p>12 BY MS. EBENSTEIN:</p> <p>13 Q. You said a moment ago that it was clear in January</p> <p>14 that the legislature would take action. How was that made</p> <p>15 clear in January?</p> <p>16 A. I had already been -- I think at that point been</p> <p>17 asked to testify before a committee.</p> <p>18 Q. In January of 2019?</p> <p>19 A. Yes.</p> <p>20 Q. And how was it made clear that that legislature</p> <p>21 would take action related to Amendment 4?</p> <p>22 A. When I say "take action," I mean they are at least</p> <p>23 actively looking and researching the matter. I don't</p> <p>24 necessarily mean at that point that they had any</p> <p>25 legislation, just that they were wanted -- I was one of</p>                                                                                                                                            | <p style="text-align: right;">Page 85</p> <p>1 MARIA MATTHEWS</p> <p>2 several on a panel to discuss the Constitutional Amendment</p> <p>3 4 implementation.</p> <p>4 Q. How does that relate to whether or not the</p> <p>5 legislature will take action?</p> <p>6 A. Well, at that point it appeared to me that they</p> <p>7 were addressing the issue, and I did not want to step on</p> <p>8 their toes in terms of they are the policymakers as to</p> <p>9 these things.</p> <p>10 I mean, my job is just to implement the law. I</p> <p>11 didn't want to establish procedures that might in any way</p> <p>12 conflict with or be contrary to whatever the legislature</p> <p>13 might be addressing because they were showing interest in</p> <p>14 the amendment.</p> <p>15 Q. Okay. And you said in part that you suspended</p> <p>16 transfer of files to Supervisors of Elections to avoid</p> <p>17 transferring a file of someone who you believe might be</p> <p>18 ineligible until legislation went into effect. Was the</p> <p>19 concern that they would be ineligible in January but become</p> <p>20 eligible through legislation?</p> <p>21 A. The concern was when the notice in due process</p> <p>22 under our state law takes time. So if I send a file down</p> <p>23 to a Supervisor of Elections, within seven days, if they</p> <p>24 agree with the file, they have to send notice. But that</p> <p>25 individual then has 30 days to reply. By then, that would</p> |

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have been the effective date of the constitutional amendment. And I didn't want to create any confusion as to the process that now we have Constitutional Amendment 4, which has created another way by which you can have your rights restored depending on what your felony conviction was.

Q. Okay. So that makes sense from the passage of the amendment to the effective date. Following the effective date, January 8th, you said that you suspended sending these files because someone's eligibility may be determined -- because you understood that legislature would take action. What would be the problem with sending a file to the supervisor, let's say January 9th, because somebody was ineligible even if there was pending legislation?

A. The files that are pending at the local level at that juncture would have been sent pursuant to pre-Constitutional Amendment 4, which means that we have not looked at it in terms of whether if -- whether it's a felony that's not a murder or a felony sexual offense. We also had questions about what constituted murder, what constituted felony sexual offense, and what constituted completion of the terms of a sentence and what those terms meant.

Q. Who did you ask those questions to at that point?

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A. When I served on the panel, that was one of the issues that was addressed.

Q. Okay. Did you express those concerns to legislators or legislative staff at any point aside from that single panel?

A. I don't recall.

Q. As of the date of the panel, which I believe was in early February 2019, what information did you have about the content of potential legislation that you -- that was clear that you believed it was clear would come up during the legislative session?

A. I wasn't aware of any legislation yet drafted at that point.

Q. There is committee weeks before the legislative session; is that right?

A. Legislative session is 60 days formally, but they do meet well in advance.

Q. Okay. And did any legislators consult you during those committee weeks or consult anyone in your division regarding legislation that relates to rights restoration?

A. Only insofar as they asked us to appear on a panel.

Q. That would have been the only point of contact or communication between yourself and the legislators?

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A. And any other legislator who would have asked to meet with us.

Q. Did individual legislators ask to meet with you?

A. I believe there were.

Q. How many legislators approximately?

A. I don't recall.

Q. Which legislators asked to meet with you before the legislative session?

A. Again, I'm not going to remember the legislator. I would have to look in my files.

Q. Do you remember any of the legislators who asked to meet with your office?

A. Do I remember?

Q. The names of any of the legislators who asked to meet with your office --

A. No.

Q. -- between January and the start of the legislative session?

A. No.

Q. Would they have made that request by phone, by email, or some other way?

A. Any request with the legislature or legislative staff we would funnel that through our legislative director. So it's a way of just ensuring that we don't miss a request

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and we deal with them very respectfully.

Q. Okay. Would those requests have gone to the legislative director in the first instance or it would have come to you and you would refer it to the legislative director?

A. It could have come either way.

Q. All right. But you said you did have meetings with legislators during that time?

A. I do recall that we met with individual legislators at some point, but I don't recall when.

Q. But during that time frame between January 8th and the start of the legislative session?

A. Again, I'm not sure about the date.

Q. What was the content of that communication with the legislators before the legislative session?

A. I think they were asking -- they were asking about Constitutional Amendment 4 and any challenges.

Q. So is it safe to assume that that communication would have come up after Constitutional Amendment 4 went into effect?

A. It's possible, but I just don't recall.

Q. Was it before the 2019 legislative session or a different legislative session?

A. No, it would have been 2019.

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| <p style="text-align: right;">Page 90</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. And the committee weeks are two months before</p> <p>3 legislative session or so?</p> <p>4 A. My understanding is they can meet as early as</p> <p>5 January and sometimes even December, but I don't believe</p> <p>6 that they did in this particular cycle.</p> <p>7 Q. Any of those requests from legislators who you met</p> <p>8 with in between January and March of 2019 would have gone</p> <p>9 through the legislative policy -- I'm missing the name of</p> <p>10 the office, but the legislative policy office?</p> <p>11 A. Legislative affairs director.</p> <p>12 Q. Those requests would have gone through the</p> <p>13 legislative affairs director; is that correct?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. Looking back at your email of</p> <p>16 February 14th, I believe you said a moment ago that this</p> <p>17 was the first communication between your office and all of</p> <p>18 the Supervisors of Elections since the verbal</p> <p>19 communications that you had with them in the December FSASE</p> <p>20 conference; is that correct?</p> <p>21 A. February 14th?</p> <p>22 Q. I'm sorry, February 11th.</p> <p>23 A. This is the one I recall. I can't recall if we</p> <p>24 have sent something in the interim between then.</p> <p>25 Q. Were there communications about the implementation</p> | <p style="text-align: right;">Page 91</p> <p>1 MARIA MATTHEWS</p> <p>2 of Amendment 4 between the Division of Elections and the</p> <p>3 new Governor's office after January 8th but before the</p> <p>4 legislative session began?</p> <p>5 A. I'm sorry, can you restate your question?</p> <p>6 Q. Sure. Were there communications between your</p> <p>7 office and the Governor's office after January 8th but</p> <p>8 before this email on February 11th?</p> <p>9 A. I don't recall the communications. I really don't</p> <p>10 recall. I'm sorry.</p> <p>11 Q. That's okay.</p> <p>12 Who was the Secretary of State during that time</p> <p>13 period from the time between when the amendment became</p> <p>14 effective and when this email was sent on February 11th?</p> <p>15 A. I believe at this time it was Michael Ertel.</p> <p>16 Q. Was he a Supervisor of Elections before he became</p> <p>17 Secretary of State?</p> <p>18 A. Yes.</p> <p>19 Q. For how long approximately? For more than a</p> <p>20 decade?</p> <p>21 A. For how long for which office?</p> <p>22 Q. How long was he a Supervisor of Elections?</p> <p>23 A. I don't know how long he was.</p> <p>24 Q. Does it sound familiar that he was a long-standing</p> <p>25 Supervisor of Elections for over ten years perhaps?</p>                                                         |
| <p style="text-align: right;">Page 92</p> <p>1 MARIA MATTHEWS</p> <p>2 A. Correct.</p> <p>3 Q. Did he -- did you have conversations with him</p> <p>4 during his tenure as Secretary of State related to</p> <p>5 Amendment 4?</p> <p>6 A. It would not have been unusual for me to have, no.</p> <p>7 Q. Would he have solicited advice from Supervisors of</p> <p>8 Elections related to implementation of Amendment 4?</p> <p>9 A. I don't know.</p> <p>10 Q. But you don't recall sending any guidance,</p> <p>11 directives or other communications with the Supervisors of</p> <p>12 Elections during Mr. Ertel's tenure as Secretary of State;</p> <p>13 is that correct?</p> <p>14 A. He may have sent something out, but I don't</p> <p>15 recall, and it was a very short-term that he served as</p> <p>16 Secretary of State.</p> <p>17 Q. Is it common practice for the Secretary of State</p> <p>18 to communicate directly with all the Supervisors of</p> <p>19 Elections or to go through your office?</p> <p>20 A. I believe it's the Secretary of State's</p> <p>21 prerogative to do so.</p> <p>22 Q. Is that the normal flow of information to the</p> <p>23 Supervisors of Elections from the Department of State?</p> <p>24 A. It depends on what the topic is, and, again, the</p> <p>25 prerogative of the Secretary of State.</p>                                                           | <p style="text-align: right;">Page 93</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. Are you aware of any communications directly</p> <p>3 between Secretary Lee and the full list of Supervisors of</p> <p>4 Elections since her tenure?</p> <p>5 A. No, that I don't have -- I don't recall that.</p> <p>6 Q. Okay. And Secretary Ertel resigned from office at</p> <p>7 some point, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Why did he resign?</p> <p>10 A. The particulars of that I think are well</p> <p>11 documented in the news and whatnot as to his reasons.</p> <p>12 Q. Okay. You say in his email "Amendment 4 went into</p> <p>13 effect on January 8th and there has been no delay in</p> <p>14 implementation."</p> <p>15 What do you mean by that, "no delay in</p> <p>16 implementation"?</p> <p>17 A. That registration continues like it has before.</p> <p>18 There is nothing changed as a result of that. An</p> <p>19 individual still has to affirm on their application form</p> <p>20 that they are eligible. The law is that a person who is</p> <p>21 convicted of a felony, adjudicated of a felony for murder</p> <p>22 or felony sexual offense has to obtain clemency, and all</p> <p>23 others have to complete the terms of their sentence,</p> <p>24 including probation and parole.</p> <p>25 Q. Implementation of Amendment 4 would relate to not</p> |



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| <p style="text-align: right;">Page 94</p> <p>1 MARIA MATTHEWS</p> <p>2 just new registrations but removals as well; is that</p> <p>3 correct?</p> <p>4 A. Well, it has nothing to do with registrations. It</p> <p>5 didn't affect that part at all. What it affected was it</p> <p>6 now provided another means, depending on what your felony</p> <p>7 offense was, by which you could have your rights restored.</p> <p>8 Q. Right. So process-wise, it doesn't affect the</p> <p>9 registration process, but it heavily affects who is</p> <p>10 eligible to register and who is eligible to remain on the</p> <p>11 rolls; is that correct?</p> <p>12 A. It affects the person who has to affirm how he or</p> <p>13 she got her rights restored.</p> <p>14 Q. Right, at the registration point. Does it affect</p> <p>15 who may remain on the rolls as a registered voter based on</p> <p>16 eligible or ineligible?</p> <p>17 A. It does at that point once we do the</p> <p>18 identification of a potentially ineligible voter.</p> <p>19 Q. Is it true that it affects a registered voter --</p> <p>20 it affects somebody's eligibility whether or not you are</p> <p>21 processing applications?</p> <p>22 A. It suggests if we get a match that suggests that</p> <p>23 you are not eligible, and it affects our analysis of being</p> <p>24 able to determine whether you have had your rights restored</p> <p>25 or not.</p>                                                                                                                 | <p style="text-align: right;">Page 95</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. Right. That's the procedural side. But somebody</p> <p>3 can become eligible or ineligible based on Amendment 4,</p> <p>4 right?</p> <p>5 To restate the question, however your office</p> <p>6 process removals, a voter or a Floridian could become</p> <p>7 eligible because of Amendment 4; is that correct?</p> <p>8 A. If they have satisfied -- because of the</p> <p>9 introduction of satisfying the terms of the sentence, that</p> <p>10 person could now affirm if they have completed the terms of</p> <p>11 their sentence that they have had their rights restored.</p> <p>12 Q. Right. I may not be asking the question in a</p> <p>13 straightforward way. I understand how this would affect</p> <p>14 somebody's actual registration. But according to the terms</p> <p>15 of Amendment 4, it changed the standard by which someone</p> <p>16 becomes eligible to vote or not; is that correct? So</p> <p>17 Amendment 4 affects somebody's eligibility potentially?</p> <p>18 MR. JAZIL: Object to form. You have asked the</p> <p>19 question several times, Counsel, and she has responded</p> <p>20 that it affects how the rights are restored.</p> <p>21 MS. EBENSTEIN: I believe she has answered as to</p> <p>22 whether someone can register.</p> <p>23 BY MS. EBENSTEIN:</p> <p>24 Q. Just to clarify, is it your response that it does</p> <p>25 affect whether somebody's rights are restored?</p>                                                                                                                                                   |
| <p style="text-align: right;">Page 96</p> <p>1 MARIA MATTHEWS</p> <p>2 A. My understanding of the law is that you still</p> <p>3 cannot register if you are a convicted felon without having</p> <p>4 your rights restored. Constitutional Amendment 4 added</p> <p>5 another way, depending on what your felony offense was,</p> <p>6 that you could have your rights restored.</p> <p>7 So if you were convicted of a murder or felony</p> <p>8 sexual offense, it was still the same way. The only way</p> <p>9 you can get your rights restored is through clemency. If</p> <p>10 you have been convicted of any other felony and adjudicated</p> <p>11 as such, you can get your rights restored once you complete</p> <p>12 your sentence, the terms of your sentence.</p> <p>13 Q. Okay. And once your rights are restored, assuming</p> <p>14 you meet the other criteria for eligibility, then you can</p> <p>15 register to vote, correct?</p> <p>16 A. If you can affirm that you are eligible. I mean,</p> <p>17 that hasn't changed. You still have to affirm regardless</p> <p>18 of how you got your rights back.</p> <p>19 Q. And once your rights are restored, you can remain</p> <p>20 on the rolls as a registered voter; is that correct?</p> <p>21 A. If you are registered, if you are already</p> <p>22 registered and you have had your rights restored, then,</p> <p>23 yeah, you can stay on the rolls.</p> <p>24 Q. Okay. We looked a moment ago at an email and</p> <p>25 policy from Manatee County. Were you aware of the</p> | <p style="text-align: right;">Page 97</p> <p>1 MARIA MATTHEWS</p> <p>2 different policies that were in place between the passage</p> <p>3 of Amendment 4 and February 11th when you sent this email?</p> <p>4 Sorry. I will restate that question. Do you know</p> <p>5 what the policy was in each of the 67 counties for</p> <p>6 processing removals for ineligible voters between</p> <p>7 November 2018 and February 11th when you sent this email?</p> <p>8 A. It's still governed by Section 98.075, and that is</p> <p>9 if you have information that is credible and reliable that</p> <p>10 someone is a convicted felon without having their rights</p> <p>11 restored, then you initiate -- you initiate the due process</p> <p>12 and afford that person, the registered voter, the</p> <p>13 opportunity to contest that. If the record and</p> <p>14 documentation, whatever the registered voter has provided</p> <p>15 you, is not -- still shows that that person is ineligible,</p> <p>16 they would be removed. That hadn't changed.</p> <p>17 Again, the reference would be to the</p> <p>18 Constitutional Amendment 4, and that is if it was a murder</p> <p>19 or felony sexual offense, then the only way you could get</p> <p>20 your rights restored is through clemency. If it was any</p> <p>21 other kind, then you have to have completed your sentence.</p> <p>22 Q. On February 11th you instruct the supervisor to</p> <p>23 invalidate the felony matches that they received from the</p> <p>24 Division of Elections. You said that you would like us to</p> <p>25 reexamine under the scope of Amendment 4. Was that</p> |

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| <p style="text-align: right;">Page 98</p> <p>1 MARIA MATTHEWS</p> <p>2 instruction to invalidate pending felony matches mandatory</p> <p>3 for the supervisors or discretionary?</p> <p>4 A. It was discretionary. The supervisor -- the</p> <p>5 reason why they had to invalidate is once a felony match is</p> <p>6 sent to a County, we cannot pull it back. The supervisors</p> <p>7 have to take some action on it. So by invalidating it, it</p> <p>8 allowed us to be able to pull back those felony matches.</p> <p>9 So it was a programatic thing that was necessary.</p> <p>10 But some supervisors might not have just because</p> <p>11 they were already wrapped up with the process or close to</p> <p>12 being wrapped up and had determined based on the law that</p> <p>13 the individual was either eligible or not eligible.</p> <p>14 Q. Just so I understand, if the Division of Elections</p> <p>15 stopped sending matches in early December, and I believe a</p> <p>16 supervisor has seven days to act on a match, why would</p> <p>17 there still be pending open matches?</p> <p>18 A. So in December we stopped sending new ones, but</p> <p>19 there were ones already in the County. Based under the due</p> <p>20 process law under 98.075(7), a supervisor has seven days to</p> <p>21 initiate notice, actual notice. That's mail. If that mail</p> <p>22 is deliverable, the individual has 30 days to respond. If</p> <p>23 the mail is undeliverable, then the supervisor has to</p> <p>24 publish notice. Again, that individual gets 30 days for</p> <p>25 that.</p> | <p style="text-align: right;">Page 99</p> <p>1 MARIA MATTHEWS</p> <p>2 Some counties, they will group their notices and</p> <p>3 wait to publish, so the process can take up to 120 days</p> <p>4 before it's completed. So they could have been still in</p> <p>5 the midst of that three-month, four-month period.</p> <p>6 Q. Okay. I'm going to give you a series of documents</p> <p>7 that we will mark as exhibits now. The first is Bates No.</p> <p>8 DOSMCC-0001025, which I'm marking as Exhibit 7.</p> <p>9 (Document marked as Exhibit 7</p> <p>10 for identification)</p> <p>11 BY MS. EBENSTEIN:</p> <p>12 Q. The next is Bates stamp DOSG-002805 that I'm</p> <p>13 marking as Exhibit 8.</p> <p>14 (Document marked as Exhibit 8</p> <p>15 for identification)</p> <p>16 BY MS. EBENSTEIN:</p> <p>17 Q. The following document is Bates stamped</p> <p>18 DOSG-0000349 that I am marking as Exhibit 9.</p> <p>19 (Document marked as Exhibit 9</p> <p>20 for identification)</p> <p>21 BY MS. EBENSTEIN:</p> <p>22 Q. That goes from that Bates stamp number to 356.</p> <p>23 It's going to be easier for me to give you these all at</p> <p>24 once, trust me.</p> <p>25 I will give you a moment just to look through</p>                                                                                                           |
| <p style="text-align: right;">Page 100</p> <p>1 MARIA MATTHEWS</p> <p>2 those documents.</p> <p>3 A. (Witness reviewing documents.)</p> <p>4 Q. Just to go through the shorter document, in</p> <p>5 Exhibit 7, this is an email from Alexander Mosca to you on</p> <p>6 March 29, 2019; is that correct?</p> <p>7 A. Yes, this appears to be an email that he sent to</p> <p>8 me on March 29, 2019.</p> <p>9 Q. What does that email request?</p> <p>10 A. The email request is to review a bill analysis for</p> <p>11 Senate Bill 7086.</p> <p>12 Q. And is 7086 the precursor of -- that relates to</p> <p>13 the same topics of what eventually passed as 7066?</p> <p>14 A. Correct. There was some -- I don't remember the</p> <p>15 exact overlap, but, yes.</p> <p>16 Q. Okay. And then the next, DOSG-0002805, what is</p> <p>17 that email?</p> <p>18 A. This is an email from me to Toshia regarding the</p> <p>19 bill analysis and the fiscal impact. What we are obligated</p> <p>20 to do is to provide fiscal impact, that's what we mean by</p> <p>21 bill analysis, fiscal impact on what potential legislation</p> <p>22 is coming.</p> <p>23 Q. Who do you provide that to?</p> <p>24 A. We provide that to OPB. We provide it to the</p> <p>25 legislative affairs director who then gets it to the Office</p>                                                                                                                                                                                                                                                                        | <p style="text-align: right;">Page 101</p> <p>1 MARIA MATTHEWS</p> <p>2 of Planning and Budget and the Governor's office, I believe</p> <p>3 it is, or the legislature.</p> <p>4 Q. So does your office provide input on the fiscal</p> <p>5 impact of all bills related to -- that fall within your</p> <p>6 area of responsibility? Do you provide information for the</p> <p>7 fiscal impact analysis that the legislature does on all of</p> <p>8 those bills?</p> <p>9 A. The request is, which we do typically for</p> <p>10 legislation, is to provide fiscal impact as to operations</p> <p>11 and IT of whatever legislation is being proposed as well as</p> <p>12 any that might have an impact on election administration at</p> <p>13 the state or local level.</p> <p>14 Q. Okay. And if you look at the document Bates</p> <p>15 stamped DOSG-0000350, please start on 353. It's page 4 of</p> <p>16 that document.</p> <p>17 A. I'm sorry, which one?</p> <p>18 Q. You are going to DOSG-0000353.</p> <p>19 A. Okay.</p> <p>20 Q. Does this look familiar to you?</p> <p>21 A. Yes.</p> <p>22 Q. Am I correct based on the emails that this is the</p> <p>23 draft fiscal analysis or information related to the fiscal</p> <p>24 analysis that you provided to legislative affairs in late</p> <p>25 March or early April of 2019?</p> |

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| <p style="text-align: right;">Page 102</p> <p>1 MARIA MATTHEWS</p> <p>2 A. I don't believe this is the final version, but</p> <p>3 this is a summary of what we were laying out in terms of</p> <p>4 impact on operations within the Division.</p> <p>5 Q. Okay. And based on document 349, this was the</p> <p>6 version that was sent around April 4th; is that correct?</p> <p>7 A. Right, at that time it's just a draft and we are</p> <p>8 circulating around for input.</p> <p>9 Q. Did you submit a final draft to the legislature?</p> <p>10 A. Yes.</p> <p>11 Q. Thank you. We just needed to sort out the</p> <p>12 documents.</p> <p>13 The content of this, then, is that your fiscal</p> <p>14 analysis of SB 7066 in early April, correct?</p> <p>15 A. This particular one, yes.</p> <p>16 Q. If you could look at that page 353, about</p> <p>17 two-thirds down the page -- I meant SB 7086 at this point,</p> <p>18 not 66.</p> <p>19 A. Okay. Can you say the number again?</p> <p>20 Q. Sure. You have the correct page, but this</p> <p>21 references the bill that at the time was SB 7086?</p> <p>22 A. Correct.</p> <p>23 Q. All right. About two-thirds down the page, in</p> <p>24 your description of how SB 7086 as it was drafted in early</p> <p>25 April would affect the operations of your department, you</p>                                                                                                                               | <p style="text-align: right;">Page 103</p> <p>1 MARIA MATTHEWS</p> <p>2 say it may take an additional three to five days from that</p> <p>3 time to complete a file; is that correct?</p> <p>4 A. Yes. I can tell that this is definitely not the</p> <p>5 final draft because we are talking about -- we had the</p> <p>6 abbreviation CJIS, which is the wrong database. It should</p> <p>7 have been CCIS referring to the Comprehensive Court</p> <p>8 Information System.</p> <p>9 So, in essence, what we are talking about here is</p> <p>10 when a match is made, as many as four or five felony</p> <p>11 convictions can be wrapped up into that particular match.</p> <p>12 So based on our prior experience, which up until</p> <p>13 Constitutional Amendment 4 our main duties were to verify</p> <p>14 identity and just make sure that someone had definitely</p> <p>15 been convicted of a felony and that it was definitely</p> <p>16 adjudicated as a felony conviction.</p> <p>17 So we were using what our average processing time</p> <p>18 was under the old process to try to project going forward.</p> <p>19 So an examiner, based on performance measures that we have,</p> <p>20 at a basic level is supposed to be able to process about</p> <p>21 20 to 24 matches a day. And a reviewer is supposed to be</p> <p>22 able to review created files between 30 to 40 files a day.</p> <p>23 Pre-Constitutional Amendment 4, it takes 15 to 20 minutes</p> <p>24 to create a case file assuming the criminal records are</p> <p>25 available from CCIS. That's the online court record</p> |
| <p style="text-align: right;">Page 104</p> <p>1 MARIA MATTHEWS</p> <p>2 system.</p> <p>3 If a record cannot be found on CCIS, then we have</p> <p>4 to do outreach to the courts. We will search, like, the</p> <p>5 clerk of courts website if that's possible, if there is</p> <p>6 information there, and if we can't do it there, then we</p> <p>7 have to do outreach to the clerk of court.</p> <p>8 We believed that now with having to look at the</p> <p>9 underlying nature of the felony conviction, it would</p> <p>10 probably take additional time as well as gathering more</p> <p>11 additional documentation as in the sentence document, which</p> <p>12 up until this point all we would have needed was the</p> <p>13 judgment.</p> <p>14 So about 20 percent of our cases require more</p> <p>15 subsequent follow-up with the clerk of courts because there</p> <p>16 is -- these documents come in a variety of forms or they</p> <p>17 might be difficult to read the case number or the quality</p> <p>18 or whatever. Clerk of courts might not have enough staff</p> <p>19 to be able to turn around the time, so that's why, again,</p> <p>20 coming back to that 120 days magic number.</p> <p>21 Q. Okay.</p> <p>22 A. So that's my answer to that.</p> <p>23 Q. Just to go through some of the details how you</p> <p>24 predicted in early April that Amendment 4 -- well,</p> <p>25 Amendment 4 was already in effect, but how this would</p> | <p style="text-align: right;">Page 105</p> <p>1 MARIA MATTHEWS</p> <p>2 affect your division's workload, as you just said. And</p> <p>3 looking at 353, about 20 percent of the cases, so that's,</p> <p>4 in fact, one in every five cases, requested require</p> <p>5 multiple requests to clerks, that there can be poor quality</p> <p>6 of scanned -- sorry, difficulty identifying the case</p> <p>7 number, poor quality of scanned images, delays due to</p> <p>8 understaffing at the clerks, or clerks waiting to bundle</p> <p>9 responses. That's just discussing the process and the</p> <p>10 delays when you did need to make a request to clerks'</p> <p>11 offices for documentation; is that correct?</p> <p>12 A. Correct.</p> <p>13 Q. Moving to the next page, 354, on the first full</p> <p>14 paragraph where you say it begins after Constitutional</p> <p>15 Amendment 4.</p> <p>16 A. (Witness reviewing document.)</p> <p>17 Q. So was it your view at the time that the process</p> <p>18 would require much more involved research by your staff?</p> <p>19 A. As I stated before, we would now have to be</p> <p>20 looking at the underlying offense so we would know what to</p> <p>21 look for in terms of how that person had their rights</p> <p>22 restored. It would also require us to be looking at when</p> <p>23 that felony was committed and whether the -- when the</p> <p>24 clemency was obtained and when the terms of the sentence</p> <p>25 were satisfied.</p>                                                                                                      |

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| <p style="text-align: right;">Page 106</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. All right. And you say in that paragraph that</p> <p>3 "Staff would need to be trained in criminal terminology and</p> <p>4 what terms of a sentence."</p> <p>5 I assume "are" may have been missing there.</p> <p>6 A. Correct. Prior to that point, if a felony came</p> <p>7 in, number one, the charge is on the criminal justice</p> <p>8 agencies to identify what is a felony conviction. The</p> <p>9 documents that come in, the felony, if there is, like, a</p> <p>10 judgment, if the judgment says felony, that pretty much</p> <p>11 tells you what you need to know.</p> <p>12 But with Constitutional Amendment 4, you now need</p> <p>13 to look at the underlying felony offense, and not all</p> <p>14 felony offenses are using the words "felony" or are clear,</p> <p>15 which is why we felt that there had to be further guidance</p> <p>16 as to what constituted murder and felony sexual offenses,</p> <p>17 what would fall under those as well as what are the terms</p> <p>18 of the sentence.</p> <p>19 My staff will have to dig deeper into these</p> <p>20 documents, these court records, in a way that they had not</p> <p>21 had to before.</p> <p>22 Q. Just to summarize, the terms of SB 7066 would</p> <p>23 impose on or burden your staff resources in a few different</p> <p>24 ways. It looks like one is that staff would need to be</p> <p>25 trained in criminal terminology; is that right?</p> | <p style="text-align: right;">Page 107</p> <p>1 MARIA MATTHEWS</p> <p>2 A. As with anything, staff has to be trained no</p> <p>3 matter what, but it would involve them being more familiar</p> <p>4 with criminal terminology as well as what's a sentence</p> <p>5 document, what's -- and being able to find the information</p> <p>6 that they need to be able to make that call about whether</p> <p>7 it's a credible and reliable match.</p> <p>8 Q. Okay. When you say "find the information that</p> <p>9 they need," you mean that they need to know, as you put it</p> <p>10 here, where to look in various places to piece together</p> <p>11 what all the terms of the sentence were for each conviction</p> <p>12 and whether those terms had been completed; is that right?</p> <p>13 A. The court records, yes -- the information is out</p> <p>14 there. It's going to be in the court records, it's going</p> <p>15 to possibly be in the Department of Corrections. It's</p> <p>16 training them -- retraining them so they know where to look</p> <p>17 for and to be able to understand the documents that they</p> <p>18 are looking at so that we don't, you know, accidentally</p> <p>19 misidentify somebody as being ineligible when they are</p> <p>20 eligible.</p> <p>21 Q. Okay. And that would take up staff resources,</p> <p>22 correct?</p> <p>23 A. It certainly adds another element to their</p> <p>24 research, yes.</p> <p>25 Q. And that would take up staff time to undertake</p>                                    |
| <p style="text-align: right;">Page 108</p> <p>1 MARIA MATTHEWS</p> <p>2 these new steps?</p> <p>3 A. It will. This is relating to 7086, so I don't</p> <p>4 have the staff analysis as we finalized it, if we did, for</p> <p>5 7066. But based on what was presented in this one, of</p> <p>6 course, again, this is a draft, so I don't have the final</p> <p>7 one --</p> <p>8 Q. I don't have it either.</p> <p>9 A. -- I don't disagree with the analysis here. It</p> <p>10 would significantly add time to process a file.</p> <p>11 Q. And you already mentioned that there would need to</p> <p>12 be additional staff training, right?</p> <p>13 A. And there is always -- yes.</p> <p>14 Q. Okay. And you mentioned here that -- at the</p> <p>15 bottom of that paragraph on 354, "no single source exists</p> <p>16 that confirms for the Department or for the convicted felon</p> <p>17 that he or she has completed all terms of the sentence for</p> <p>18 every felony."</p> <p>19 Do you mean by that there is no single database</p> <p>20 where either your staff or an individual with a felony</p> <p>21 conviction can go to determine or to confirm that they have</p> <p>22 completed all terms of their sentence?</p> <p>23 A. We consult a variety of databases and sources.</p> <p>24 The information is out there, it's just not consolidated,</p> <p>25 which is one of the duties and charge of the work group,</p>                                                                         | <p style="text-align: right;">Page 109</p> <p>1 MARIA MATTHEWS</p> <p>2 the restoration of voting rights work group, to look at,</p> <p>3 how that information can be consolidated. That's what we</p> <p>4 are trying to improve and be able to do that.</p> <p>5 Q. A single source existed before, primarily the</p> <p>6 clemency records; is that right?</p> <p>7 A. Up until that point, Constitutional Amendment 4,</p> <p>8 the only way someone could get their rights restored was --</p> <p>9 for felony conviction was through clemency.</p> <p>10 Q. Okay. And now they can. Now there is multiple</p> <p>11 sources. Somebody would need to check multiple sources,</p> <p>12 right?</p> <p>13 A. Now we still need to look at the Florida</p> <p>14 Commission on Offender Review that maintains the clemency</p> <p>15 database, online clemency database, for murder and felony</p> <p>16 sexual offense, but for all other felony convictions, we</p> <p>17 will have to consult at a minimum the clerk of court</p> <p>18 records and identify all other sources that might have</p> <p>19 information that can help us make our call.</p> <p>20 Q. Okay. And, again, this is for the fiscal</p> <p>21 analysis, so what the cost would be and staff resources.</p> <p>22 You estimate "at a minimum, the bill will quadruple the</p> <p>23 amount of staff needed to timely process these felony</p> <p>24 automated matches alone," and that's without regard to</p> <p>25 out-of-state and federal felon offenses; is that correct?</p> |

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| <p style="text-align: right;">Page 110</p> <p>1 MARIA MATTHEWS</p> <p>2 That is the second full paragraph on 354.</p> <p>3 A. Yeah, that was the best rough estimate I think</p> <p>4 that we could do based on our information that we had about</p> <p>5 how long it takes to compile a match and how many matches</p> <p>6 can be done in a day.</p> <p>7 Q. Okay. I'm going to give you a document marked as</p> <p>8 Exhibit 10.</p> <p>9 (Document marked as Exhibit 10</p> <p>10 for identification)</p> <p>11 BY MS. EBENSTEIN:</p> <p>12 Q. I will represent to you that this is SB 7086, the</p> <p>13 version that was before the legislature beginning</p> <p>14 March 27th, so the one that you would have reviewed during</p> <p>15 this email exchange in late March and early April.</p> <p>16 If you look at line 315, and that's on page 11,</p> <p>17 until 328, that sets forth what, according to this proposed</p> <p>18 bill, what financial obligations would need to be satisfied</p> <p>19 before restoration.</p> <p>20 The line -- on line 327 to 28, in this version of</p> <p>21 the bill it says that a financial obligation is deemed</p> <p>22 completed if such obligation has been converted to a civil</p> <p>23 lien; is that correct?</p> <p>24 A. That's what it says, yes.</p> <p>25 Q. So in this version of the bill, your office would</p>                                       | <p style="text-align: right;">Page 111</p> <p>1 MARIA MATTHEWS</p> <p>2 not need to do research on outstanding financial</p> <p>3 obligations for those debts converted to a civil lien,</p> <p>4 correct?</p> <p>5 A. Based on this, we would have researched -- we</p> <p>6 still would have had to research it to make sure that it</p> <p>7 hadn't been converted to a civil lien or if it had. I</p> <p>8 mean, we still have to do that research.</p> <p>9 Q. So what you describe here as far as what your</p> <p>10 staff would need to do and the time it would need to take,</p> <p>11 in this version of the bill, it would need to determine</p> <p>12 that a financial obligation had been converted to a civil</p> <p>13 lien, but your staff would not need to then research or</p> <p>14 determine whether that civil lien has been paid, correct?</p> <p>15 A. Under this it appears that if the final obligation</p> <p>16 has been converted to a civil lien, then it's deemed to</p> <p>17 have been paid. So then if that converts -- if that is</p> <p>18 then the final payment of all, then that would -- I mean,</p> <p>19 you still have to look at the other terms of the sentence.</p> <p>20 Q. My purpose here is not to ask you to interpret the</p> <p>21 legislation. It's simply to point out one of the</p> <p>22 differences between the version of SB 7086 that you were</p> <p>23 analyzing in this fiscal analysis and the current bill.</p> <p>24 SB 7086 once a financial obligation was converted</p> <p>25 to a civil lien, it no longer affected somebody's voting</p> |
| <p style="text-align: right;">Page 112</p> <p>1 MARIA MATTHEWS</p> <p>2 rights where now even if a debt is converted to a civil</p> <p>3 lien, it still would prevent somebody from being eligible</p> <p>4 to vote; is that correct?</p> <p>5 A. I don't know. I would have to look at 7066. If</p> <p>6 that's what you say the legislation -- whatever the</p> <p>7 legislation says is what it says.</p> <p>8 Q. Okay.</p> <p>9 A. Regardless of whatever the legislature passed was</p> <p>10 adopted into law, that's what we would follow.</p> <p>11 Q. Okay. Would it require more resources from your</p> <p>12 office to investigate whether a civil lien had been paid</p> <p>13 rather than to just determine if something had been</p> <p>14 converted to a civil lien?</p> <p>15 A. Honestly, until we engage in this sort of thing,</p> <p>16 I'm not going to know the exact -- we are going to research</p> <p>17 as far as we can to make sure that it's credible and</p> <p>18 reliable one way or the other. Credible and reliable in</p> <p>19 the sense that it's definitely a match, a credible and</p> <p>20 reliable match, or if it's not. So I don't know to what</p> <p>21 extent we would have to go in order to -- until we actually</p> <p>22 engage in this.</p> <p>23 Q. Okay.</p> <p>24 A. We are not doing that right now.</p> <p>25 Q. One last question about this. If you look at</p> | <p style="text-align: right;">Page 113</p> <p>1 MARIA MATTHEWS</p> <p>2 page 329, that defines felony sexual -- or begins the</p> <p>3 definition of felony sexual offenses. And 336, that begins</p> <p>4 the definition of murder. As far as this draft of SB 7086,</p> <p>5 felony sexual offenses is limited under the terms to</p> <p>6 offense that serves as a predicate to registration as a</p> <p>7 sexual offender; is that correct?</p> <p>8 A. They have the list here. Again, unless I had 7066</p> <p>9 in front of me, I don't know how this varies from the one</p> <p>10 that was ultimately enacted. What we would do is we would</p> <p>11 go by whatever this -- whatever the legislature set out and</p> <p>12 said, hey, this is a murder or this is a felony sexual</p> <p>13 offense.</p> <p>14 Q. Okay. And you don't know one way or the other</p> <p>15 whether there is a more limited category of offenses than</p> <p>16 what eventually passed as 7066?</p> <p>17 A. No, unless I have the document in front of me.</p> <p>18 Q. I can give you that document now. I'm going to</p> <p>19 give you as Exhibit 11 the text of what was passed as</p> <p>20 SB 7066 this last legislative session.</p> <p>21 (Document marked as Exhibit 11</p> <p>22 for identification)</p> <p>23 BY MS. EBENSTEIN:</p> <p>24 Q. Again, I'm not asking you to interpret the</p> <p>25 legislation. I'm just trying to compare the earlier bill</p>                                                                                                                                                |

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| <p style="text-align: right;">Page 114</p> <p>1                    MARIA MATTHEWS</p> <p>2        that you analyzed in your email communications in early</p> <p>3        April with the current bill.</p> <p>4            If you look at SB 7066, lines 1383 to 1385.</p> <p>5            MR. JAZIL: Do you have a page number by chance?</p> <p>6            MS. EBENSTEIN: Yes, 48.</p> <p>7        BY MS. EBENSTEIN:</p> <p>8            Q. SB 7066 as it passed says, "The requirement to pay</p> <p>9        any financial obligation specified in this paragraph is not</p> <p>10       deemed completed upon conversion to a civil lien."</p> <p>11           Did I read that correctly?</p> <p>12           A. Can you tell me the line number again? I'm sorry.</p> <p>13           Q. It's 1383 to 1385.</p> <p>14           A. That's how it reads, "The requirement to pay any</p> <p>15       financial obligation specified in this paragraph is not</p> <p>16       deemed completed upon conversion to a civil lien."</p> <p>17           Q. So the earlier version of SB 7086 did deem the</p> <p>18       financial obligation for purposes of voting rights when it</p> <p>19       was converted to a civil lien, and SB 7066 does not; is</p> <p>20       that correct?</p> <p>21           A. That appears to be a difference in the language,</p> <p>22       yes.</p> <p>23           Q. Okay. If you look a couple of lines down to 1386</p> <p>24       on felony sexual offenses, SB 7066 lists from that line</p> <p>25       until 1402 a number of categories of felony sexual</p>                                                                                                                                                                                           | <p style="text-align: right;">Page 115</p> <p>1                    MARIA MATTHEWS</p> <p>2        offenses, correct?</p> <p>3            A. Lines 1386 through --</p> <p>4            Q. 1386 through 1402.</p> <p>5            A. It enumerates felony sexual offenses by statutes.</p> <p>6            Q. Okay. Whereas the SB 7086, the one that you</p> <p>7        analyzed in the fiscal analysis, just categorically</p> <p>8        includes an offense that serves as a predicate to</p> <p>9        registration as a sexual offender; is that right?</p> <p>10           A. Correct, that's how it differs.</p> <p>11           Q. The last one that I wanted to look at briefly is</p> <p>12       the definition of murder. In 7066 it begins at line 1403,</p> <p>13       and in 7086 it begins at line 336. The definition of</p> <p>14       murder in SB 7066 as it passed includes more categories of</p> <p>15       offenses than 7086 as you analyzed it in your early</p> <p>16       April communication; is that right?</p> <p>17           A. It appears to list out some additional statutes --</p> <p>18           Q. Okay.</p> <p>19           A. -- and subsections.</p> <p>20           Q. That's just to say in comparing the two bills,</p> <p>21       there were additional provisions that you would have to</p> <p>22       research by the terms of 7066 as it passed that were not</p> <p>23       included in 7086; is that correct?</p> <p>24           A. Until and unless we were doing that, we are still</p> <p>25       going to be looking very carefully at whatever was defined</p>                                                        |
| <p style="text-align: right;">Page 116</p> <p>1                    MARIA MATTHEWS</p> <p>2        as murder. The section numbers assist somewhat in knowing</p> <p>3        what those -- what are the offenses that fall under that.</p> <p>4        We would still be doing research.</p> <p>5            Q. All right. And if -- would you say that here you</p> <p>6        predict that at a minimum SB 7086 would quadruple the</p> <p>7        amount of staff time needed to process felony convictions,</p> <p>8        would you say that 70 -- let me make sure I get those bill</p> <p>9        numbers right.</p> <p>10           In your fiscal analysis of SB 7086 in early April,</p> <p>11       you say that you expect that at a minimum the bill would</p> <p>12       quadruple the amount of staff resources needed to process</p> <p>13       matches. Do you think that 7066 as passed would require</p> <p>14       more or less staff resources?</p> <p>15           A. I really don't know. Again, I don't recall if we</p> <p>16       did a bill -- fiscal bill impact analysis or not. Again,</p> <p>17       information that we might have provided at that time would</p> <p>18       be based on whatever information we had. We are always</p> <p>19       looking at ways to improve the process. So as I mentioned</p> <p>20       earlier, we are working with our stakeholders to see what</p> <p>21       additional information they can provide that can help</p> <p>22       improve that process and the accuracy of the information.</p> <p>23           Having statutory numbers may be one way in which</p> <p>24       it could be streamlined and help alleviate some of the</p> <p>25       expectation of additional staff if the files come in more</p> | <p style="text-align: right;">Page 117</p> <p>1                    MARIA MATTHEWS</p> <p>2        specific or with more information.</p> <p>3            Q. If an individual wanted to determine their own</p> <p>4        eligibility to register or remain registered, they also</p> <p>5        would not have a single source to confirm that they had</p> <p>6        completed all terms of their steps for every felony; is</p> <p>7        that correct?</p> <p>8            A. An individual who has been convicted would have to</p> <p>9        go to the clerk of the court, they could go maybe to their</p> <p>10       prior attorney, the Department of Corrections. The</p> <p>11       source -- the information is out there. They may have to</p> <p>12       go to a variety of sources to find that information.</p> <p>13           Q. Right, so there is no single source?</p> <p>14           A. Consolidation is one of the things that we are</p> <p>15       looking to try to improve upon, and the workgroup is</p> <p>16       looking to find ways to do that.</p> <p>17           Q. As of today, is there a single source?</p> <p>18           A. Not that I'm aware of.</p> <p>19           Q. So an individual trying to determine whether they</p> <p>20       have completed all terms of their sentence, they may also</p> <p>21       be subject to the 20 percent of cases that require multiple</p> <p>22       requests to the courts, the poor quality of scanned</p> <p>23       documents, to the delays due to understaffing of clerks,</p> <p>24       and other difficulty identifying the case number; is that</p> <p>25       right?</p> |

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| <p style="text-align: right;">Page 118</p> <p>1 MARIA MATTHEWS</p> <p>2 A. Well, I need to clarify. The clerk of the court</p> <p>3 has all these records, so that information should be there.</p> <p>4 We are doing something different than what the individual</p> <p>5 is trying to do in some ways. We are trying to not only</p> <p>6 determine if that person is ineligible but gathering all</p> <p>7 the documentation to pull that together.</p> <p>8 So, again, ultimately I think the clerk of the</p> <p>9 court records should have this information available, and</p> <p>10 that's where the person should be able to go, but there</p> <p>11 could be additional places that the person might have to go</p> <p>12 to piece it all together.</p> <p>13 Q. And it may take a longer time for them to access</p> <p>14 those clerk of court documents according to your analysis</p> <p>15 here; is that right?</p> <p>16 A. It may take additional time.</p> <p>17 Q. Looking at that final document that I gave you,</p> <p>18 which is DOSG-0000349, and that is to help you identify it,</p> <p>19 an email from Ms. Brown to yourself on April 4, 2019.</p> <p>20 A. I'm sorry. Yes.</p> <p>21 Q. And I believe this is feedback that she gave you</p> <p>22 on the bill analysis for 7086 based on the emails below.</p> <p>23 She specifies that the 120 days usually refers to the time</p> <p>24 it may take for the SOE to conduct the entire removal</p> <p>25 process, and you shared that 120 day number before.</p> | <p style="text-align: right;">Page 119</p> <p>1 MARIA MATTHEWS</p> <p>2 She adds it can take up to sometimes one to two</p> <p>3 months to obtain the court documents and arrest records</p> <p>4 from the COC; is that correct?</p> <p>5 A. That's the 20 percent in which we are not able to</p> <p>6 get the court docs from either CCIS because they are not</p> <p>7 available on there or they are not available on the clerk</p> <p>8 of courts website, so we conduct outreach to the clerk of</p> <p>9 court directly.</p> <p>10 In some of the bigger counties, they have -- they</p> <p>11 will have a significant amount of requests, so they may</p> <p>12 group those together, or it could be if the record is old,</p> <p>13 they need to go to archives. So, yes, it could take an</p> <p>14 additional month or two to get the court docs. If they are</p> <p>15 grouping our requests together, they will bunch them and</p> <p>16 wait before they will send us.</p> <p>17 Q. Okay. So despite the Division's access to CCIS,</p> <p>18 one in five days still takes an additional month or two to</p> <p>19 access those records; is that right?</p> <p>20 A. I don't know that 20 percent of those take a month</p> <p>21 or two, but I don't know what percentage of the 20 percent</p> <p>22 take a month or two to go.</p> <p>23 Q. Okay.</p> <p>24 A. It can and that's why she was just trying to add</p> <p>25 that in there.</p> |
| <p style="text-align: right;">Page 120</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. Do individual voters have access to the CCIS</p> <p>3 system the way that the Division of Elections does?</p> <p>4 A. No. My understanding is we have a user ID and</p> <p>5 password that is given to us because there is sensitive</p> <p>6 information on that site.</p> <p>7 Q. So for an individual convicted of a felony to</p> <p>8 obtain court documents or arrest records, that could take a</p> <p>9 significant amount of time if their records are not</p> <p>10 available electronically; is that right?</p> <p>11 A. I don't know how -- what time it would take for</p> <p>12 them. They have to go to the clerk of court where they</p> <p>13 were convicted or reach out to them to get that</p> <p>14 information. I think the clerk of the court is probably</p> <p>15 going to be in the best position, depending on which</p> <p>16 county, to be able to say how long it will take once a</p> <p>17 request is submitted.</p> <p>18 Q. Okay. And I believe you said somewhere in that</p> <p>19 documentation oftentimes people have multiple convictions;</p> <p>20 is that right?</p> <p>21 A. Yes.</p> <p>22 Q. And is that oftentimes in different counties or</p> <p>23 the same county?</p> <p>24 A. That's true, people can be registered currently in</p> <p>25 one county and have a conviction in another county or more</p>                                                                                                          | <p style="text-align: right;">Page 121</p> <p>1 MARIA MATTHEWS</p> <p>2 than one other county.</p> <p>3 Q. Okay. So if an individual received a notice from</p> <p>4 their Supervisors of Elections that they had been a match</p> <p>5 for ineligibility, based on the time frames that you give</p> <p>6 here, if they were among this 20 or so percent of people</p> <p>7 who could not electronically access their records, would</p> <p>8 they be able to get documentation to confirm that they were</p> <p>9 eligible to vote within the 30-day period that they had to</p> <p>10 respond to the Supervisor of Elections?</p> <p>11 MR. JAZIL: Object to the form.</p> <p>12 BY MS. EBENSTEIN:</p> <p>13 Q. I can re-ask that.</p> <p>14 If it takes your office quadruple the time that it</p> <p>15 did before in the prior regime before Amendment 4, and you</p> <p>16 specify here it can take months to obtain court documents</p> <p>17 and arrest records, do you believe -- or wouldn't it take</p> <p>18 an individual voter an equal amount of time to obtain court</p> <p>19 records if the holdup, as you said, is with the clerks of</p> <p>20 the court?</p> <p>21 MR. JAZIL: Object to the form.</p> <p>22 A. Again, I can't speak to the individuals clerks of</p> <p>23 court, how long it will take them to be responsive to</p> <p>24 records from an individual who is asking for their own</p> <p>25 records.</p>                |

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| <p style="text-align: right;">Page 122</p> <p>1 MARIA MATTHEWS</p> <p>2 BY MS. EBENSTEIN:</p> <p>3 Q. But in your experience this lays out --</p> <p>4 A. In our experience, we first look at CCIS if the</p> <p>5 record is there, or we go to the clerk of the court web.</p> <p>6 If it's not available, then we ask the clerk of the court.</p> <p>7 Again, as I said, the one to two months I don't</p> <p>8 believe applies to all 20 percent. Twenty percent is</p> <p>9 referring to those records that we have to do some</p> <p>10 follow-up. Some of those because they are very old</p> <p>11 records, it may take a while for that to come in, but there</p> <p>12 are a variety of reasons why that might be. The clerk is</p> <p>13 grouping all their responses together and they are not --</p> <p>14 they are going to wait to send us back a response, so that</p> <p>15 could be the reason why it's one to two months.</p> <p>16 Q. Okay. Just to pause for a moment.</p> <p>17 (Discussion held off the record.)</p> <p>18 BY MS. EBENSTEIN:</p> <p>19 Q. I'm going to hand you a series of documents marked</p> <p>20 Exhibit 12. We did not receive these documents until</p> <p>21 during your deposition, so we have not had the ability to</p> <p>22 go through them aside from during the deposition.</p> <p>23 (Document marked as Exhibit 12</p> <p>24 for identification)</p> <p>25</p>                                                                     | <p style="text-align: right;">Page 123</p> <p>1 MARIA MATTHEWS</p> <p>2 BY MS. EBENSTEIN:</p> <p>3 Q. I would like you to have a look at those</p> <p>4 documents, please. And this was in the binder that you</p> <p>5 said you reviewed to prepare for this deposition.</p> <p>6 A. (Witness reviewing document.)</p> <p>7 Q. This is a three-page email and a three-page memo</p> <p>8 from yourself to Kimberly Richard -- sorry, Richard, I'm</p> <p>9 not sure of the last name.</p> <p>10 A. Herring.</p> <p>11 Q. Herring, Chris Hart, and Kimberly Renspie; is that</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. Who are they?</p> <p>15 A. Kimberly and Chris are with the clerk of court.</p> <p>16 Richard Herring is doing some contract work for the Florida</p> <p>17 Association of Court Clerks and Comptrollers as relates to</p> <p>18 the restoration of voting rights and data.</p> <p>19 Q. Do you know if he was brought in specifically to</p> <p>20 do that research related to voting rights?</p> <p>21 A. All I know is what his email says on August 20th.</p> <p>22 Q. Okay. You say here that the memo attached</p> <p>23 references some of the Division's experiences with court</p> <p>24 records; is that right?</p> <p>25 MS. EBENSTEIN: Whoever is on the phone, could you</p>                                                            |
| <p style="text-align: right;">Page 124</p> <p>1 MARIA MATTHEWS</p> <p>2 please put your phone on mute?</p> <p>3 BY MS. EBENSTEIN:</p> <p>4 Q. That's in the body of that email. We will go</p> <p>5 through those experiences in a moment. You say, "My staff</p> <p>6 simply are not versed or professionally trained at this</p> <p>7 level to understand court documents to this level."</p> <p>8 Is that what you wrote in this email?</p> <p>9 A. This email was prompted by outreach from Richard</p> <p>10 Herring to us about helping to ensure that data they have</p> <p>11 related to restoration of voting rights is provided as</p> <p>12 smoothly as possible as relates to how we need that</p> <p>13 information. So I asked my staff to compile some examples</p> <p>14 of court records and highlights and challenges that they</p> <p>15 have. It's all part of trying to do our due diligence with</p> <p>16 respect to available resources and data. So they put</p> <p>17 together something, and we shared that with the clerk of</p> <p>18 the court --</p> <p>19 Q. Sure.</p> <p>20 A. -- to show some examples of what it would take</p> <p>21 having to look at records and stuff.</p> <p>22 As I said before, my staff has not looked at court</p> <p>23 documents in the way that the law is now going to require</p> <p>24 us to look at it, so we are trying to get some guidance</p> <p>25 from the clerk of the courts as to what we see currently in</p> | <p style="text-align: right;">Page 125</p> <p>1 MARIA MATTHEWS</p> <p>2 terms of court documents.</p> <p>3 Q. Sure. I appreciate that laying this out -- laying</p> <p>4 out information was for forward-looking purposes. But at</p> <p>5 the time you write this email on August 29th, your staff</p> <p>6 was not versed or trained at the level to understand court</p> <p>7 documents, is that what you said here?</p> <p>8 MR. JAZIL: Object to the form.</p> <p>9 BY MS. EBENSTEIN:</p> <p>10 Q. Do you believe that the average Floridian who</p> <p>11 doesn't do any work related to elections would be versed or</p> <p>12 professionally trained at the level to understand court</p> <p>13 documents?</p> <p>14 A. I think that's an individual case by case. I</p> <p>15 can't really speak to that.</p> <p>16 Q. Do you think that an individual trying to</p> <p>17 determine their own eligibility would be versed or</p> <p>18 professionally trained at this level to understand court</p> <p>19 documents?</p> <p>20 A. Again, I can't speak to that. I would think a</p> <p>21 person who is convicted would know what their terms of</p> <p>22 sentence are and where they are at in that stage of</p> <p>23 complying.</p> <p>24 Q. As far as a person who has been convicted of a</p> <p>25 felony, are you saying that you think they would be more</p> |



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| <p style="text-align: right;">Page 126</p> <p>1 MARIA MATTHEWS</p> <p>2 likely to understand court documents than your staff who</p> <p>3 has been trained in this matter?</p> <p>4 A. Again, if the person has been convicted, they have</p> <p>5 the court records that say what their terms of their</p> <p>6 sentence is.</p> <p>7 Q. How do you know they have the court documents that</p> <p>8 say what the term of their sentence are?</p> <p>9 A. I guess I'm assuming the process would provide</p> <p>10 them that when they were convicted.</p> <p>11 Q. Okay. So one of the areas of difficulty you</p> <p>12 mentioned are early convictions, for example, in the late</p> <p>13 '90s. Would you assume that a voter would still have from</p> <p>14 20 years -- 30 years ago court records?</p> <p>15 A. I don't know.</p> <p>16 Q. But your staff doesn't have at this moment the</p> <p>17 training to understand the court documents they need to</p> <p>18 access to determine outstanding financial obligations from</p> <p>19 court records; is that right?</p> <p>20 MR. JAZIL: Object to the form.</p> <p>21 A. What I'm saying here is that staff will now need</p> <p>22 to look at court documents. What we are trying to</p> <p>23 determine is, number one, is this the person; number two,</p> <p>24 is this a felony conviction; number three, what type of</p> <p>25 felony conviction this is and then has their rights been</p> | <p style="text-align: right;">Page 127</p> <p>1 MARIA MATTHEWS</p> <p>2 restored. The complexity is added when we are trying to</p> <p>3 figure out whether the terms of their sentence has been</p> <p>4 completed.</p> <p>5 Every clerk of court has some different records</p> <p>6 and format in which the sentence and judgment might appear.</p> <p>7 So my staff is going to have to look at it at a</p> <p>8 different -- at a more intense level than they have</p> <p>9 previously.</p> <p>10 MS. EBENSTEIN: Okay. Why don't we take a lunch</p> <p>11 break now.</p> <p>12 Again, to get this on the record. We did not</p> <p>13 receive these documents until during the deposition,</p> <p>14 so in order to at least attempt to ask you questions,</p> <p>15 it probably makes sense for me to take a few minutes</p> <p>16 to read this more carefully.</p> <p>17 Should we come back in 45 minutes? Does that work</p> <p>18 for you-all?</p> <p>19 MR. JAZIL: 1:15?</p> <p>20 MS. EBENSTEIN: Yeah.</p> <p>21 MR. JAZIL: That's fine by us.</p> <p>22 (Recessed at 12:32 p.m.)</p> <p>23</p> <p>24</p> <p>25</p>                                                                                                                                                                                                                                                                                                                                                  |
| <p style="text-align: right;">Page 128</p> <p>1 MARIA MATTHEWS</p> <p>2 AFTERNOON SESSION</p> <p>3 (Resumed at 1:19 p.m.)</p> <p>4 BY MS. EBENSTEIN:</p> <p>5 Q. We were looking a moment ago at a document, I</p> <p>6 believe it's Exhibit 12. It's an attachment to a memo. I</p> <p>7 would like to look at the memo page 1 of 3 to begin with.</p> <p>8 This memo from your offices, I'm looking about</p> <p>9 one-third down the page with regard to Duval, it catalogs</p> <p>10 some of the difficulties obtaining records in counties; is</p> <p>11 that correct?</p> <p>12 A. This document highlights -- is a compilation of</p> <p>13 the highlights and challenges that the Division has</p> <p>14 encountered in getting court records. Number three relates</p> <p>15 to Duval.</p> <p>16 Q. Okay. You said over the year. Does this refer to</p> <p>17 your current experience getting records or from years back?</p> <p>18 A. It's a compilation of over the years, so, yes, it</p> <p>19 could be currently as well.</p> <p>20 Q. With regard to Duval, the memo says Duval does not</p> <p>21 often provide the judgment, they alternatively type up</p> <p>22 summaries of the judgment, particularly the older cases.</p> <p>23 So your office is unable to obtain a judgment from Duval in</p> <p>24 some instances; is that right?</p> <p>25 A. Correct. Sometimes they can't get the judgment.</p>                                     | <p style="text-align: right;">Page 129</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. And a voter would also be unable to obtain a</p> <p>3 judgment if the county doesn't provide it; is that correct?</p> <p>4 A. All I can speak to is our experience with the</p> <p>5 clerk of the court.</p> <p>6 Q. Okay. Would you suggest that -- if you look on</p> <p>7 the next page, it says -- I'm sorry, what information is</p> <p>8 contained in the typed-up summary sheet that you referred</p> <p>9 to there?</p> <p>10 A. I haven't seen what an example is. I would have</p> <p>11 to get an example of a case file.</p> <p>12 Q. Members of your staff have presumably seen them?</p> <p>13 A. This could suggest that they have and it would</p> <p>14 contain the information necessary for them to be able to</p> <p>15 determine it's the same person, what type of felony -- not</p> <p>16 a felony type, but that it's a felony conviction</p> <p>17 adjudicated. So it appears to be the substitute for the</p> <p>18 judgment. I have no idea what it would look like, though.</p> <p>19 I have not seen one myself personally.</p> <p>20 Q. So you are not sure what's contained in a summary</p> <p>21 sheet versus the actual court judgment?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. If you look to the following page, page 2</p> <p>24 of 3, there are some notes on challenges with records from</p> <p>25 counties in general. You list out that several counties</p> |

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| <p style="text-align: right;">Page 130</p> <p>1 MARIA MATTHEWS</p> <p>2 are either unable, they have files not found or not</p> <p>3 applicable in response to a request for files; is that</p> <p>4 correct?</p> <p>5 A. This part is a summary of the challenges in</p> <p>6 getting court documents. We are not necessarily only</p> <p>7 limited to looking at judgments. We sometimes in order to</p> <p>8 be able to determine if the voter and the convicted felon</p> <p>9 are the same, we will need additional documents, like</p> <p>10 arrest records or other documents that contain information</p> <p>11 that allows us to be able to do -- confirm whether the</p> <p>12 match is credible and reliable. So this just documents</p> <p>13 what staff have encountered.</p> <p>14 Q. Right. So you are talking about whether you need</p> <p>15 documents in order to do an identity match. What about</p> <p>16 trying to determine financial obligations imposed by a</p> <p>17 sentencing document?</p> <p>18 A. This right now does not address because we are not</p> <p>19 doing that right now.</p> <p>20 Q. Right. Your office is not doing that right now,</p> <p>21 but that's what this memo addresses; is that right?</p> <p>22 A. No. This memo addresses the challenges we have in</p> <p>23 obtaining court records under our pre-Constitutional</p> <p>24 Amendment 4 and our current process right now.</p> <p>25 Q. It says in your email these are example that you</p> | <p style="text-align: right;">Page 131</p> <p>1 MARIA MATTHEWS</p> <p>2 will face in trying to determine financial obligations</p> <p>3 imposed by the sentencing documents; is that correct?</p> <p>4 A. This shows the challenges that we have in getting</p> <p>5 court documents, so sentence documents presumably will be</p> <p>6 part of court documents. So it may be that we will</p> <p>7 encounter these same challenges, but I won't know until --</p> <p>8 that is why we are working with the clerk of the courts.</p> <p>9 Q. I'm sorry, I'm a bit confused. The email with</p> <p>10 this memo says that these are examples that you will face</p> <p>11 in trying to determine financial obligations imposed by a</p> <p>12 sentencing document; is that right?</p> <p>13 A. Because these are based on the challenges we faced</p> <p>14 in obtaining court records. So court records will include</p> <p>15 sentence documents that include the terms of the sentence,</p> <p>16 and terms of the sentence may include financial</p> <p>17 obligations.</p> <p>18 Q. Okay. Going back to page 2 of the memo, in</p> <p>19 counties in general, you express some concerns when there</p> <p>20 is a file not found or an NA as response to the request; is</p> <p>21 that right?</p> <p>22 A. (Witness reviewing document.)</p> <p>23 Yes. Staff expressed concern about getting a</p> <p>24 response that said that, file not found or not applicable</p> <p>25 or available.</p> |
| <p style="text-align: right;">Page 132</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. Right. And then it seems like in some instances</p> <p>3 your staff has also gotten a response to a request to a</p> <p>4 county clerk that says the file was destroyed; is that</p> <p>5 right?</p> <p>6 A. Yes.</p> <p>7 Q. And your office can't obtain a sentencing record</p> <p>8 if a record has been destroyed, right?</p> <p>9 A. If we can't obtain court records that will allow</p> <p>10 us, if needed, to make a credible and reliable match, then</p> <p>11 we will not be able to proceed, and it will be determined</p> <p>12 invalid, and the registered voter stays registered.</p> <p>13 Q. Okay. And a voter also -- a prospective voter</p> <p>14 could not obtain a sentencing record that had been</p> <p>15 destroyed; is that right?</p> <p>16 A. Again, I can really only speak to what our</p> <p>17 experience is with the clerk of the court. I don't know</p> <p>18 what that experience may be with a particular person.</p> <p>19 Q. I appreciate that, but I think just based on the</p> <p>20 language alone, if a file is destroyed and no longer</p> <p>21 exists, surely someone can't obtain it; is that right?</p> <p>22 A. If a clerk of court represents that a record is</p> <p>23 not available for whatever reason, then it's not available.</p> <p>24 Q. Okay. So not available would include file not</p> <p>25 found, not applicable, destroyed, those three categories of</p> | <p style="text-align: right;">Page 133</p> <p>1 MARIA MATTHEWS</p> <p>2 documents, right?</p> <p>3 A. It could be for any number of reasons. I don't</p> <p>4 know what the clerk of courts reasons are for that, but</p> <p>5 those are categories of possible ways that something is not</p> <p>6 available, yes.</p> <p>7 Q. And those are categories that your staff --</p> <p>8 reasons for unavailability that your staff have received in</p> <p>9 response to their requests; is that correct?</p> <p>10 A. We have.</p> <p>11 Q. There is a mention of Brevard County that</p> <p>12 sometimes there are misplaced older cases. Do you see that</p> <p>13 in the next sentence?</p> <p>14 A. Yes.</p> <p>15 Q. I assume that a misplaced record can also not be</p> <p>16 returned to your staff when they request it?</p> <p>17 A. My reading is that if they have asked for a</p> <p>18 record, one of the reasons why they might not be able to</p> <p>19 find the older record is because this record might have</p> <p>20 been pulled multiple times and staff at the clerk's office</p> <p>21 might not have put the record back where it should have</p> <p>22 been.</p> <p>23 Q. Okay. The experience that you list here that your</p> <p>24 staff has had with Sarasota or Duval is that they don't</p> <p>25 provide a statement when documents are not available. Does</p>                                                                                                       |

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| <p style="text-align: right;">Page 134</p> <p>1 MARIA MATTHEWS</p> <p>2 that mean that your employees can't determine if there is a</p> <p>3 document or not?</p> <p>4 A. If after a request for documentation they --</p> <p>5 whatever the clerk provides, if it doesn't include</p> <p>6 information on the documents that will help them make that</p> <p>7 credible and reliable match, they will not proceed. It</p> <p>8 will be deemed invalid and then the voter remains</p> <p>9 registered.</p> <p>10 Q. No, I understand, and we will discuss more in a</p> <p>11 moment the processes within your office. I'm just asking</p> <p>12 about what you have outlined here as your office's</p> <p>13 experience in trying to obtain records from clerks.</p> <p>14 A. Correct.</p> <p>15 Q. So in Sarasota and Duval, based on this memo, your</p> <p>16 employees have requested sentencing documents or court</p> <p>17 records, and those two counties in some instances have not</p> <p>18 provided a statement when documents are not available; is</p> <p>19 that right?</p> <p>20 A. That's what we have stated here.</p> <p>21 Q. Okay. In the next bullet point you write, "Many</p> <p>22 counties do not send all documents requested and include no</p> <p>23 response addressing the missing items."</p> <p>24 Am I correct that that's a concern that you</p> <p>25 haven't received documents or all documents responsive to</p> | <p style="text-align: right;">Page 135</p> <p>1 MARIA MATTHEWS</p> <p>2 your request from some of the counties for court records?</p> <p>3 A. Again, it enumerates some of the challenges we</p> <p>4 find when we are asking for documents. The clerk of the</p> <p>5 court has asked how can they help us better get documents</p> <p>6 to us, and so we have indicated here that when we make a</p> <p>7 request for all documents related and necessary for us to</p> <p>8 do our case file, that if they don't include or add</p> <p>9 something in there that says is missing, we don't know</p> <p>10 whether we have to reach out again or is it because there</p> <p>11 wasn't anything to begin with.</p> <p>12 Q. So here the concern is that they don't -- they</p> <p>13 don't inform you that an item is missing and so you have no</p> <p>14 instructions on what to do; is that correct?</p> <p>15 A. Well, we know what we will have to do is we will</p> <p>16 reach out again for clarification when it would have been</p> <p>17 helpful to know that the reason why a document wasn't in</p> <p>18 the response was because it didn't exist. It's to -- these</p> <p>19 are things to highlight how to improve efficiencies in</p> <p>20 getting court documents.</p> <p>21 Q. Sure.</p> <p>22 It takes more of your staff time to have to</p> <p>23 determine that there might be something missing and reach</p> <p>24 out for a second time; is that right?</p> <p>25 A. It does take more time if you have to reach out</p>                                                                                 |
| <p style="text-align: right;">Page 136</p> <p>1 MARIA MATTHEWS</p> <p>2 again.</p> <p>3 Q. It's more burdensome to make additional phone</p> <p>4 calls?</p> <p>5 A. It just takes more time.</p> <p>6 Q. So it takes more staff resources, then?</p> <p>7 A. It does take more staff resources devoted to this</p> <p>8 to work on this particular file.</p> <p>9 Q. Okay. Going to page 3, Miami-Dade, here it</p> <p>10 outlines a concern that when you have requested case</p> <p>11 documents from the Miami-Dade clerk of court, they have</p> <p>12 informed you that the documents are not held by the clerk</p> <p>13 of court but by the Miami-Dade Police Department; is that</p> <p>14 right?</p> <p>15 A. Correct.</p> <p>16 Q. And your employees are, sounds like, placed in</p> <p>17 a -- that they are not comfortable reaching out to the</p> <p>18 police department to obtain case documents; is that right?</p> <p>19 A. What this means is that my staff is then not able</p> <p>20 to proceed. We do not have an established relationship</p> <p>21 with the police department for court records.</p> <p>22 Q. You are not able to proceed because you can't</p> <p>23 obtain the court records in Miami-Dade if they are held by</p> <p>24 the police, right?</p> <p>25 A. If we are not able to make a credible and reliable</p>                                                                                              | <p style="text-align: right;">Page 137</p> <p>1 MARIA MATTHEWS</p> <p>2 match based on the documents that we have even after we</p> <p>3 have reached out to the clerk of the court, we are able to</p> <p>4 proceed in the sense that we then will determine that we</p> <p>5 have insufficient documentation to make a credible match.</p> <p>6 Q. Okay. And just so I understand, basically that's</p> <p>7 insufficient documentation to determine whether or not</p> <p>8 somebody has outstanding financial obligations?</p> <p>9 A. At that juncture what we are talking here is just</p> <p>10 whatever court documents are needed. It could be to</p> <p>11 establish identity at this juncture, because, again, we are</p> <p>12 not yet doing financial. But it would be whatever identity</p> <p>13 or whether it's records needed to determine whether it was,</p> <p>14 indeed, a felony. So whatever documents are needed to</p> <p>15 establish whether this match is credible and reliable.</p> <p>16 Q. Okay. And as you say in your email, these are</p> <p>17 challenges that you will face in trying to determine</p> <p>18 financial obligations?</p> <p>19 A. If that is a part of the case file that we are</p> <p>20 working on, which is to determine whether their terms of</p> <p>21 sentence have been completed, and the term of the sentence</p> <p>22 is a financial obligation, then that could potentially be</p> <p>23 part of the court records that are at issue here.</p> <p>24 Q. Okay. In the second bullet point under</p> <p>25 Miami-Dade, it seems that in response to your office's</p> |

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| <p style="text-align: right;">Page 138</p> <p>1 MARIA MATTHEWS</p> <p>2 requests, that that office sometimes batches responses --</p> <p>3 sorry, batches responses with case sheets in lieu of actual</p> <p>4 judgments. What is a case sheet?</p> <p>5 A. Again, it's probably like a summary sheet that</p> <p>6 lists that a clerk of court, particularly maybe for</p> <p>7 Miami-Dade, that summarizes the information that we are</p> <p>8 probably trying to seek that is not available or that would</p> <p>9 be on an actual judgment.</p> <p>10 Q. Have you seen a case sheet?</p> <p>11 A. I believe I have, and it seems -- but I can't --</p> <p>12 I'm trying to visualize it right now. It's just a cover</p> <p>13 sheet that lists information relating to that convictions.</p> <p>14 Q. Do you know what information is listed?</p> <p>15 A. No, I don't recall at this time.</p> <p>16 Q. And going back to the summary sheet, have you seen</p> <p>17 one of those?</p> <p>18 A. The summary sheet I don't recall. It could be</p> <p>19 case sheet and summary sheet are the same and they just use</p> <p>20 two different terms to refer to it.</p> <p>21 Q. Okay. Does Miami-Dade have a CCIS database</p> <p>22 online?</p> <p>23 A. CCIS is the Comprehensive Court Information</p> <p>24 System, so that's the Association's -- it's the system that</p> <p>25 all clerks of court have where they enter all their</p> | <p style="text-align: right;">Page 139</p> <p>1 MARIA MATTHEWS</p> <p>2 information. Each clerk of court can have their own</p> <p>3 website and more specific court records and whatnot, so</p> <p>4 they all have access to it and they all input information</p> <p>5 into it.</p> <p>6 Q. But it seems like, if I'm understanding this,</p> <p>7 there are times that you would need information in addition</p> <p>8 to the CCIS records; is that right?</p> <p>9 A. Yes, that is true, because it's dependent on that</p> <p>10 information being entered by the clerk of court into that</p> <p>11 system.</p> <p>12 Q. I see. In what instances would a clerk of</p> <p>13 court -- what information might be missing from CCIS? For</p> <p>14 example, judgments before a certain date, certain details</p> <p>15 on a judgment, things like that, if you have a sense from</p> <p>16 having worked with these documents.</p> <p>17 A. Clerks of court I believe by law are required to</p> <p>18 put all their records electronically into the system, but</p> <p>19 not all counties have gotten all their records in there.</p> <p>20 There may be a certain date, and you would have to speak to</p> <p>21 the clerk of the court to figure out, you know, by what</p> <p>22 date are all records in there versus any, you know,</p> <p>23 archival or backlog that they are going back through and</p> <p>24 scanning and entering into the system.</p> <p>25 Q. I see. So all clerks would have entered</p> |
| <p style="text-align: right;">Page 140</p> <p>1 MARIA MATTHEWS</p> <p>2 information into CCIS at a specific time, but the records</p> <p>3 before that could have been digitized or not depending on</p> <p>4 the county?</p> <p>5 A. It depends, yeah, on the county and what their</p> <p>6 resources and what they have accomplished up to this point.</p> <p>7 Again, I can't speak to that, the dates of anything like</p> <p>8 that. We just know that some counties have more records</p> <p>9 online than others.</p> <p>10 Q. And do you have any sense of at least which decade</p> <p>11 courts started entering information into CCIS, not the</p> <p>12 backwards-looking digitization, but actually entering</p> <p>13 records?</p> <p>14 A. I used to, but I don't remember now --</p> <p>15 Q. Okay.</p> <p>16 A. -- when they started doing that.</p> <p>17 Q. No problem.</p> <p>18 In the third bullet point under Miami-Dade, you</p> <p>19 write that your staff has observed errors with the felony</p> <p>20 division, including the wrong case, the wrong defendant, or</p> <p>21 missing a page. Would that prevent you from getting all of</p> <p>22 the necessary documents to complete a case file?</p> <p>23 A. What that would mean is if we get the wrong</p> <p>24 records and reach out to the county again and try to get</p> <p>25 the correct records and yet still we don't, again, all we</p>                  | <p style="text-align: right;">Page 141</p> <p>1 MARIA MATTHEWS</p> <p>2 can do is mark that as an invalid match at this time, and</p> <p>3 the voter just stays on the rolls.</p> <p>4 Q. Okay. And it presumably would require more time</p> <p>5 for your staff to reach back out to a county and follow up</p> <p>6 on any missing documents; is that right?</p> <p>7 A. Anytime we have to reach out to the clerk of</p> <p>8 court, that's additional time spent on that file, and that</p> <p>9 is additional resources.</p> <p>10 Q. Further in Miami-Dade you say it can be</p> <p>11 difficult -- that the staff rotates, it can be difficult to</p> <p>12 circle back to the same person about the errors. We have</p> <p>13 all had this experience in different parts of life. You</p> <p>14 talk to one person, you don't get a matter resolved, and</p> <p>15 when you call back you talk to somebody else; is that</p> <p>16 correct?</p> <p>17 A. Yes. It could be that you have change of staff so</p> <p>18 you lose the history that you might have had or</p> <p>19 communications you might have had with the previous</p> <p>20 individual.</p> <p>21 Q. Okay. So has your staff identified for you as a</p> <p>22 challenge that they have to call back multiple times and</p> <p>23 start again explaining what they are requesting and what</p> <p>24 documents they need?</p> <p>25 A. That's what this sheet explains.</p>                                                                      |

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| <p style="text-align: right;">Page 142</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. Okay.</p> <p>3 A. That's what these things explain is what they have</p> <p>4 encountered over time.</p> <p>5 Q. With regard to Palm Beach, it says here that Palm</p> <p>6 Beach destroys documents after a set retention period; is</p> <p>7 that correct?</p> <p>8 A. Yes.</p> <p>9 Q. And so obviously your staff can't obtain documents</p> <p>10 that have been destroyed, right?</p> <p>11 A. Correct. Records aren't available, they can't</p> <p>12 provide it to us.</p> <p>13 Q. And there is no written mention of the destroyed</p> <p>14 documents, so your staff would not necessarily know that</p> <p>15 one of the documents they had sought had been destroyed,</p> <p>16 right?</p> <p>17 A. Unless they reach out and try to find out why a</p> <p>18 document wasn't provided that they had requested.</p> <p>19 Q. And that would be reaching out a second time to</p> <p>20 the clerk, right?</p> <p>21 A. Correct.</p> <p>22 Q. So just to make sure that I now understand your</p> <p>23 internal process, your office would not consider a case</p> <p>24 sheet to be sufficiently credible and reliable to determine</p> <p>25 that somebody is ineligible to vote; is that right?</p>                                                                                                                                                                                                                                              | <p style="text-align: right;">Page 143</p> <p>1 MARIA MATTHEWS</p> <p>2 A. No, that may not be. If that's the only</p> <p>3 documentation we have and we feel comfortable with what</p> <p>4 that information is because that's coming from an official</p> <p>5 office, the clerk of the court, and we can -- and it has</p> <p>6 the information we need, whether it's demographics or</p> <p>7 specifics about the felony conviction, then, yes, we could</p> <p>8 act on that. Again, I would have to, you know, look at a</p> <p>9 case-by-case basis on that.</p> <p>10 Q. Okay. Looking specifically at cases for which you</p> <p>11 are trying to determine financial obligations, as you said</p> <p>12 in this email, would your office consider a case sheet</p> <p>13 sufficiently credible and reliable to determine that</p> <p>14 someone is ineligible?</p> <p>15 A. Depends if that case sheet looks like a sentence</p> <p>16 document. At this point, we would -- and I don't know.</p> <p>17 Until I -- until we get these cases, I have no idea how</p> <p>18 this information is going to appear. It's going to be on</p> <p>19 court documents. If it doesn't have anything about</p> <p>20 financial obligations on it, then a case sheet is not a</p> <p>21 sentence document.</p> <p>22 Q. And a case sheet, even if it does have that</p> <p>23 information, is not a sentence document. Would you rely on</p> <p>24 a case sheet in that instance?</p> <p>25 A. We can still rely on the case sheet for our</p> |
| <p style="text-align: right;">Page 144</p> <p>1 MARIA MATTHEWS</p> <p>2 purposes and maybe to establish identity, to establish that</p> <p>3 this is a felony conviction. That's just one of multiple</p> <p>4 documents that we will be trying to collect and compile to</p> <p>5 support the case.</p> <p>6 Q. Right, but a case sheet, since it's not a</p> <p>7 sentencing document, if it includes financial obligations,</p> <p>8 would that be considered sufficiently credible and reliable</p> <p>9 to your office to determine someone's eligibility for</p> <p>10 outstanding financial obligations?</p> <p>11 A. Until I see what the case sheet has, if it has</p> <p>12 financial obligations -- sets out the terms of the</p> <p>13 sentence, then I am going to have to look at it on a</p> <p>14 case-by-case basis to determine whether that is sufficient</p> <p>15 or not.</p> <p>16 Our understanding with the law is that you are</p> <p>17 looking at the four corners of the sentencing document to</p> <p>18 determine the terms of that sentence. So honestly at this</p> <p>19 point, I don't know that a case sheet falls within a</p> <p>20 sentence document or not. It just depends on what</p> <p>21 information is on there.</p> <p>22 Q. Okay. And not to harp on this, but even if it did</p> <p>23 contain the information, you would be relying on what that</p> <p>24 particular county clerk's office had done to transcribe</p> <p>25 information from a judgment to the summary sheet, right?</p> | <p style="text-align: right;">Page 145</p> <p>1 MARIA MATTHEWS</p> <p>2 A. It would be -- yes, we are relying on what the</p> <p>3 clerk provides you.</p> <p>4 Q. I mean relying on -- if you were to rely on case</p> <p>5 sheets or summary sheets, you will be relying on whatever</p> <p>6 that county clerk did to transcribe sentencing or judgment</p> <p>7 documents, right?</p> <p>8 A. Correct.</p> <p>9 MR. JAZIL: Object to the form.</p> <p>10 MS. EBENSTEIN: Hopefully you can give me some</p> <p>11 leeway, Counsel, with the 200 documents we attempted</p> <p>12 to go through during the deposition, or more than 200.</p> <p>13 BY MS. EBENSTEIN:</p> <p>14 Q. Has your office ever sent matches to Supervisors</p> <p>15 of Elections based on case sheets or summary sheets? My</p> <p>16 question pertains to at any point, not just following the</p> <p>17 passage of SB 7066.</p> <p>18 A. I can't say.</p> <p>19 Q. You don't know?</p> <p>20 A. The law requires that you provide the supporting</p> <p>21 documentation upon which the ineligibility was determined.</p> <p>22 So if the case sheet is deemed credible and reliable, as</p> <p>23 the information that -- as a part of the whole package,</p> <p>24 there is a lot more to the case file than just a case sheet</p> <p>25 or a judgment, if available. So if the case sheet has</p>                                                                                                                                                            |

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| <p style="text-align: right;">Page 146</p> <p>1 MARIA MATTHEWS</p> <p>2 information that informs the rest of the credible and</p> <p>3 reliable file, then it will be included and may have been</p> <p>4 sent down to the counties.</p> <p>5 Q. If that's the only record you have of financial</p> <p>6 obligations, would you find that credible and reliable as</p> <p>7 to outstanding financial obligations?</p> <p>8 A. Again, it would have to be on a case by case. I</p> <p>9 would have to look at it to see if that's what we would</p> <p>10 deem. We don't have that experience yet.</p> <p>11 Q. Who makes that determination on credibility and</p> <p>12 reliability within the Division of Elections?</p> <p>13 A. It begins with the examiner and then the reviewer,</p> <p>14 and then if it needs further questioning, it will be the</p> <p>15 floor supervisor. Then it goes up to the chief, and if</p> <p>16 there is still a question about it, it would come to me.</p> <p>17 But the determination of whether there is enough there to</p> <p>18 be able to make that credible and reliable match would be</p> <p>19 what we will set out in procedures.</p> <p>20 Q. If the examiner and the reviewer both agreed that</p> <p>21 that a case sheet or summary sheet was credible and</p> <p>22 reliable, that would be -- there would be no disagreement</p> <p>23 to raise to the next level of supervision; is that right?</p> <p>24 A. That's correct. And then the file would be sent</p> <p>25 to the supervisor, the supervisor would then review the</p> | <p style="text-align: right;">Page 147</p> <p>1 MARIA MATTHEWS</p> <p>2 file, which they have certainly the discretion to do, and</p> <p>3 determine whether they wanted to move forward with it.</p> <p>4 Then again, ultimately, the voter has the opportunity to</p> <p>5 go, no, this is not me. No, this is not a felony. No,</p> <p>6 this is a felony but it was adjudication withheld, so they</p> <p>7 have that opportunity to be able to contest it.</p> <p>8 Even if after that the supervisor removes them</p> <p>9 based on a determination of ineligibility, the voter still</p> <p>10 has an opportunity to appeal that. If the court agrees,</p> <p>11 then that person can get reinstated at any time.</p> <p>12 Q. I thought you said at the beginning of the</p> <p>13 deposition that if the examiner and the reviewer agree on</p> <p>14 ineligibility -- that a match is valid, that ineligibility</p> <p>15 has been determined, that it doesn't get elevated to the</p> <p>16 supervisor; is that right?</p> <p>17 A. No. A match that is determined to be credible and</p> <p>18 reliable, it goes to the supervisor of elections, I'm</p> <p>19 sorry, not their supervisor.</p> <p>20 Q. I see. Okay. But from your office going to the</p> <p>21 Supervisors of Elections?</p> <p>22 A. Correct.</p> <p>23 Q. Let me make sure I understand it. If the examiner</p> <p>24 and the reviewer agree that information is credible and</p> <p>25 reliable, they can send it to the Supervisors of Elections?</p> |
| <p style="text-align: right;">Page 148</p> <p>1 MARIA MATTHEWS</p> <p>2 A. Correct.</p> <p>3 Q. Okay. Would you suggest that an individual voter</p> <p>4 who is unable to obtain their sentencing documents because</p> <p>5 they have been destroyed swear under penalty -- swear under</p> <p>6 oath that they are qualified to register to vote?</p> <p>7 A. Can you restate that, please?</p> <p>8 Q. Sure. If a voter is unable to obtain their</p> <p>9 sentencing document, for example, as your office has run</p> <p>10 into with clerks of court, would you recommend that they</p> <p>11 affirm under oath that they are qualified to register to</p> <p>12 vote?</p> <p>13 A. That is up to the applicant. If they are</p> <p>14 comfortable affirming that they are, and they believe,</p> <p>15 regardless of whether they have records available or not,</p> <p>16 that they are eligible and that they have satisfied their</p> <p>17 sentence, that's their -- that's their right to be able to</p> <p>18 affirm that and fill out an application. I would not make</p> <p>19 a call about that for a person. I just would not.</p> <p>20 Q. Okay. And if there is information sent from your</p> <p>21 office to the Supervisors of Elections, and a voter then is</p> <p>22 notified -- let me start that again.</p> <p>23 Would you suggest -- how would -- I will leave</p> <p>24 that for now and move on to the next document.</p> <p>25 I'm going to ask you to look at DOSG-0000244.</p>                                                                           | <p style="text-align: right;">Page 149</p> <p>1 MARIA MATTHEWS</p> <p>2 While we are looking for that document, how would a voter</p> <p>3 contest a notice that they receive from a Supervisors of</p> <p>4 Elections if they themselves cannot obtain documentation of</p> <p>5 their outstanding financial obligations?</p> <p>6 A. The supervisor when they send notice, the</p> <p>7 Supervisors of Elections, I should specify that, the</p> <p>8 Supervisors of Elections when they issue notice, they tell</p> <p>9 them instructions about where they need to go to find out</p> <p>10 if they -- what their -- how to get their rights restored.</p> <p>11 If an individual is unable to obtain records, I</p> <p>12 suppose they could -- they would speak to the Supervisors</p> <p>13 of Elections, and the Supervisors of Elections will have to</p> <p>14 make that call on that. I honestly don't know what would</p> <p>15 happen at that point.</p> <p>16 Q. Okay. I am going to give you marked as Exhibit 13</p> <p>17 this document.</p> <p>18 (Document marked as Exhibit 13</p> <p>19 for identification)</p> <p>20 BY MS. EBENSTEIN:</p> <p>21 Q. Do you recognize this document?</p> <p>22 A. Yes.</p> <p>23 Q. And you see at the bottom it says updated June 4,</p> <p>24 2019?</p> <p>25 A. Yes.</p>                                                                                                                                                                                                         |

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| <p style="text-align: right;">Page 150</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. What is this document?</p> <p>3 A. This document reflects the current procedures that</p> <p>4 are in operation regarding the processing of felon records</p> <p>5 that we receive.</p> <p>6 Q. Okay. So just to be clear, because we have seen a</p> <p>7 number of different drafts, this is the current operative</p> <p>8 procedure for processing match documents?</p> <p>9 A. These are the procedures laid out for examining</p> <p>10 potential matches.</p> <p>11 Q. And these are the ones that are operative?</p> <p>12 A. Yes. We do not have -- I don't believe we have a</p> <p>13 later version yet.</p> <p>14 Q. I can represent to you that there is not one that</p> <p>15 I found that didn't say "draft."</p> <p>16 A. Okay.</p> <p>17 Q. So I just want to make sure we didn't miss a</p> <p>18 document somewhere along the way.</p> <p>19 Now, this effective June 1st document supersedes</p> <p>20 previous procedures, right?</p> <p>21 A. Correct.</p> <p>22 Q. It says, "We are starting completely over with</p> <p>23 processing our electronic case files," right?</p> <p>24 A. Yes.</p> <p>25 Q. So would this indicate when you began processing</p>                                                                                                                                                                                                                                                                                                                               | <p style="text-align: right;">Page 151</p> <p>1 MARIA MATTHEWS</p> <p>2 felon match files after putting those on hold in early</p> <p>3 December?</p> <p>4 A. This would represent when we started sending --</p> <p>5 beginning to do the review of electronic case files and</p> <p>6 sending them to the supervisors. Because we are still</p> <p>7 examining all of the potential matches and invalidating --</p> <p>8 working those that are invalid and taking care of those and</p> <p>9 then putting the other ones in the buckets that I was</p> <p>10 telling you about that we were not sending. So this</p> <p>11 represents when we are finally going to go ahead and</p> <p>12 reinstitute the forwarding of valid case files.</p> <p>13 Q. Okay. Thank you for clarifying that.</p> <p>14 Was this shared with anyone outside of the</p> <p>15 Secretary of State's Office?</p> <p>16 A. No, these represent internal procedures for our</p> <p>17 offices.</p> <p>18 Q. Would they have been shared for input with the</p> <p>19 Department of Corrections?</p> <p>20 A. No, but they would reflect our conversations with</p> <p>21 Department of Corrections as to their file contents.</p> <p>22 Q. Would they be shared with any other governmental</p> <p>23 agencies?</p> <p>24 A. No. Again, I think these are representative of</p> <p>25 our internal process.</p>                                                                                                                      |
| <p style="text-align: right;">Page 152</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. Okay. If you look at page 2 of 5 marked</p> <p>3 DOSG-0000245, it describes three phases in implementing</p> <p>4 this memo. Could you just give me a brief and general</p> <p>5 explanation for what those three phases are?</p> <p>6 A. So in order to proceed with the process in a way</p> <p>7 that was orderly for my staff and give time to research,</p> <p>8 which we are still doing ongoing, and allow time for the</p> <p>9 legislation to become effective, we determined that the</p> <p>10 best approach was to implement the matching review in three</p> <p>11 phases.</p> <p>12 So we started with phase 1 based on discussions</p> <p>13 with the Department of Corrections about receiving</p> <p>14 information from them that would indicate that someone is</p> <p>15 in prison or supervision for a felony conviction for which</p> <p>16 adjudication had been made. That represents phase 1.</p> <p>17 Because of the way these case files come in, if</p> <p>18 there were -- with phase 2, once the law became effective,</p> <p>19 the idea would be we would implement phase 2 because now we</p> <p>20 have terms defined for murder and felony sexual offense.</p> <p>21 And because we can also more easily determine whether</p> <p>22 someone has had their rights restored because the way they</p> <p>23 have the rights restored if you have been convicted of a</p> <p>24 murder or felony sexual offense is if you have had clemency</p> <p>25 provided for the felony.</p> | <p style="text-align: right;">Page 153</p> <p>1 MARIA MATTHEWS</p> <p>2 And then the phase 3 that would be finally</p> <p>3 implemented, and that is -- that's the third, really, level</p> <p>4 if you get a case file and the person is not in prison or</p> <p>5 is not supervised or you go to the next point, and that is</p> <p>6 is it a murder or felony sexual offense. If it's not that,</p> <p>7 then you go to the next level of analysis, which is, okay,</p> <p>8 now we are dealing with a felony that is neither a murder</p> <p>9 nor a felony sexual offense, and now we would need to look</p> <p>10 at all terms of the sentence.</p> <p>11 We have not implemented phase 2 or 3 yet because</p> <p>12 we are still working through, as you indicated, draft</p> <p>13 procedures on that.</p> <p>14 Q. Okay. But you did say that you were holding off</p> <p>15 on the second and third phase to allow for legislation to</p> <p>16 become effective. The legislation became effective</p> <p>17 July 1st, correct?</p> <p>18 A. That's correct. And what we are trying to do is</p> <p>19 gather information, even as we are in litigation, to refine</p> <p>20 our procedures and the information that we are getting from</p> <p>21 the Florida Department of Law Enforcement as well as the</p> <p>22 Department of Corrections that will help us more easily</p> <p>23 identify a match that is based on murder or felony sexual</p> <p>24 offense.</p> <p>25 Q. Okay. Thank you.</p> |

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| <p style="text-align: right;">Page 154</p> <p>1 MARIA MATTHEWS</p> <p>2 It says in phase 1 in that first bullet a judgment</p> <p>3 is not required to be included with the match file; is that</p> <p>4 correct?</p> <p>5 A. Correct.</p> <p>6 Q. And what is a match file?</p> <p>7 A. The match file, again, is the case file that we</p> <p>8 end up creating manually to support the automated data</p> <p>9 match that was made.</p> <p>10 Q. Is that match file only created internally, or is</p> <p>11 that the same file that's sent to the Supervisors of</p> <p>12 Elections if you do validate a match?</p> <p>13 A. That case file -- every match is going to have a</p> <p>14 case file, and that case file if determined to be -- if the</p> <p>15 match is determined to be valued, is an electronic record</p> <p>16 of all the sources of information that we got that we use</p> <p>17 to determine whether it's credible and reliable. That</p> <p>18 file, that case file, is forwarded to the supervisors via</p> <p>19 electronic means.</p> <p>20 Q. So they receive the full case file that you have?</p> <p>21 A. That's correct.</p> <p>22 Q. Again, here a judgment is not required to be</p> <p>23 included in the match file as of the date of this memo?</p> <p>24 A. That's correct.</p> <p>25 Q. The procedure prior to June of 2019, were those</p> | <p style="text-align: right;">Page 155</p> <p>1 MARIA MATTHEWS</p> <p>2 required to include a judgment in a match file?</p> <p>3 A. As a matter of practice we did include the</p> <p>4 judgments at that point. Of course, then we were not</p> <p>5 looking to see if the person was in prison or supervision,</p> <p>6 which our conversations with the Department of Corrections</p> <p>7 was that someone is not going to be incarcerated or</p> <p>8 supervised -- or in supervision for a felony offense -- I</p> <p>9 take that back. Let me start over.</p> <p>10 Department of Corrections assured us that they</p> <p>11 would be sending us information of individuals that were</p> <p>12 incarcerated or in custody or supervised for felony</p> <p>13 convictions only that were adjudicated. So our assurances</p> <p>14 from them is that the information that we would get</p> <p>15 initially would only consist of those people who are in</p> <p>16 prison or under supervision for a felony conviction</p> <p>17 adjudication.</p> <p>18 Q. Okay. Who made that assurance to your office?</p> <p>19 A. The Department of Corrections, their operational</p> <p>20 and IT. So based on that, based on that information and</p> <p>21 the -- their official website and the web service for which</p> <p>22 we also get additional information, a judgment -- we did</p> <p>23 not believe a judgment was necessary as it showed clearly</p> <p>24 that the person was in prison or in supervision for a</p> <p>25 felony conviction.</p> |
| <p style="text-align: right;">Page 156</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. Okay. I am going to hand you a document that we</p> <p>3 will mark as 14.</p> <p>4 (Document marked as Exhibit 14</p> <p>5 for identification)</p> <p>6 BY MS. EBENSTEIN:</p> <p>7 Q. What is this document?</p> <p>8 A. This document is an email from me to the</p> <p>9 Supervisors of Elections and their staff regarding our</p> <p>10 institution of sending down felon files to their -- to the</p> <p>11 counties. It spells out what that -- that the process</p> <p>12 would begin that day and what they can expect to see in the</p> <p>13 case file.</p> <p>14 Q. Okay. So this is the -- where you indicated to</p> <p>15 supervisors that you were going to begin to restart sending</p> <p>16 felon files; is that right?</p> <p>17 A. Correct.</p> <p>18 Q. If you go to the second and third page of that</p> <p>19 email, the attachment to that email, what are these two</p> <p>20 documents?</p> <p>21 A. These two documents are the -- these represent the</p> <p>22 screenshots from the Florida Department of Corrections</p> <p>23 website which contains information about an individual's --</p> <p>24 an offender's current status with the Department of</p> <p>25 Corrections.</p>                                                                                          | <p style="text-align: right;">Page 157</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. Okay. You indicated a moment ago that you</p> <p>3 consider the Department of Corrections records sufficiently</p> <p>4 reliable to send to the Supervisors of Elections; is that</p> <p>5 right?</p> <p>6 A. Yes.</p> <p>7 Q. If you look at the unfortunately small print about</p> <p>8 a little more than halfway down the page, it says, "The</p> <p>9 information on this site may not reflect the true current</p> <p>10 location, status, scheduled termination date, or other</p> <p>11 information regarding an offender."</p> <p>12 Do you see where I'm looking?</p> <p>13 A. Yes.</p> <p>14 Q. And in the next paragraph, at the end of that</p> <p>15 paragraph it says, "The Department of Corrections makes no</p> <p>16 guarantee as to the accuracy or completeness as to the</p> <p>17 information contained herein."</p> <p>18 So by the terms of these documents, the Department</p> <p>19 of Corrections says that they should not be relied upon for</p> <p>20 accuracy and completeness; is that right?</p> <p>21 A. You have read the statement that's on their</p> <p>22 website. We have had conversations with the Department of</p> <p>23 Corrections, and we also have a web service that's separate</p> <p>24 and apart from the Department of Corrections online, and it</p> <p>25 was represented that the information could be relied upon,</p>                                                                                                  |



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| <p style="text-align: right;">Page 158</p> <p>1 MARIA MATTHEWS</p> <p>2 which is why we had the file specs specifying only</p> <p>3 including those who are convicted felons adjudicated in</p> <p>4 prison or under supervision.</p> <p>5 Q. So you have a -- explain to me what the different</p> <p>6 web service online that you have is.</p> <p>7 A. There is the online offender network that's</p> <p>8 available to the public, and then there is an established,</p> <p>9 pursuant to our agreement with the Department of</p> <p>10 Corrections, a web service that provides additional</p> <p>11 information regarding a match. That information is</p> <p>12 compared with what is online, and that is what we use to go</p> <p>13 ahead and proceed with a potential match.</p> <p>14 Q. Okay. And this is the document that you, as you</p> <p>15 state in your email, I believe this is the screenshot that</p> <p>16 you would send to Supervisors of Elections, correct?</p> <p>17 A. Correct.</p> <p>18 Q. And you just said a moment ago that your felon</p> <p>19 file -- the contents of your felon file is shared with</p> <p>20 Supervisors of Elections, right?</p> <p>21 A. Correct.</p> <p>22 Q. So your felon file doesn't include anything more</p> <p>23 than these types of documents from the Department of</p> <p>24 Corrections, right?</p> <p>25 A. The felon file is going to include screenshots of</p> | <p style="text-align: right;">Page 159</p> <p>1 MARIA MATTHEWS</p> <p>2 voter registration information, it's going to include</p> <p>3 screenshots of DAVID, the driver's license and motor</p> <p>4 vehicle information database, it's going to include any</p> <p>5 court records, judgments -- not judgments, DOC screenshot</p> <p>6 in this particular case, and from our web service. It has</p> <p>7 additional information. That is all provided to the</p> <p>8 supervisors as an example -- in support of a credible and</p> <p>9 reliable match. So they have a number of documents within</p> <p>10 it. Ultimately, if they are not comfortable with what we</p> <p>11 provided, they don't have to proceed on it.</p> <p>12 Q. Okay. So what you are saying is that you provided</p> <p>13 Supervisors of Elections beginning in June both the</p> <p>14 documents that you gave them as examples and a separate DOC</p> <p>15 document from a different web service?</p> <p>16 A. From a web service that contained information that</p> <p>17 we had that we use to cross-check to make sure that the</p> <p>18 information was accurate.</p> <p>19 So, again, the information that we get from DOC,</p> <p>20 they represented that it did include convicted felons who</p> <p>21 have been adjudicated and who are currently in prison for</p> <p>22 that felony conviction or under supervision. Supervisors</p> <p>23 of Elections are very used to receiving judgments, so this</p> <p>24 was a departure for them, and it was a change that they</p> <p>25 were not -- that they -- they like having lots of</p> |
| <p style="text-align: right;">Page 160</p> <p>1 MARIA MATTHEWS</p> <p>2 documents.</p> <p>3 Q. We do, too.</p> <p>4 You say in this email these official screenshots</p> <p>5 will take the place of a copy of a judgment and will</p> <p>6 constitute the documentation upon which the potential</p> <p>7 ineligibility is based.</p> <p>8 I just want to understand what you are saying now</p> <p>9 that as far as the DOC records, you would have included</p> <p>10 both this and another DOC record to send to the Supervisors</p> <p>11 of Elections beginning in June?</p> <p>12 A. I am assuming these are two different -- no, this</p> <p>13 is supervising inmates. So the case file would have</p> <p>14 contained the documents that we believe would support the</p> <p>15 credible and reliable.</p> <p>16 Q. Right. This is the example of those documents</p> <p>17 that you sent to the supervisor?</p> <p>18 A. Yes. That's one. That's not all of it.</p> <p>19 Q. I realize there is more documents in the case</p> <p>20 file, but did you send the supervisors DOC documents or an</p> <p>21 additional DOC document that you didn't tell them about in</p> <p>22 this email?</p> <p>23 A. I believe this is the document that would be --</p> <p>24 that we sent them. I don't know if there is a screenshot</p> <p>25 for the web service now that I think about it.</p>                                          | <p style="text-align: right;">Page 161</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. This was the document you would have sent them?</p> <p>3 A. These are examples of what they could expect to</p> <p>4 see in terms of in lieu of the judgment.</p> <p>5 Q. Looking at the second attached Department of</p> <p>6 Corrections file, about halfway through the page, again, in</p> <p>7 small type, continues "The offense descriptions are</p> <p>8 truncated and do not necessarily reflect the crime of</p> <p>9 conviction."</p> <p>10 What does that mean?</p> <p>11 A. That this could have been listed here for crimes</p> <p>12 for which they are not currently in custody.</p> <p>13 Q. So the screenshot could reflect a felony charge</p> <p>14 when the ultimate conviction they are in custody for was a</p> <p>15 misdemeanor; is that right?</p> <p>16 A. Again, we would not have gotten the match unless</p> <p>17 it was a felony conviction.</p> <p>18 Q. Based on DOC's representation?</p> <p>19 A. And the files that they sent us and we were able</p> <p>20 to access.</p> <p>21 Q. Do you know what DOC staff did internally to</p> <p>22 confirm that the files they were sending over were of</p> <p>23 people who were incarcerated or on supervision?</p> <p>24 A. Before this went into effect, we had meetings with</p> <p>25 the Department of Corrections to discuss the file specs</p>                                                                                                                                                                                                                     |

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| <p style="text-align: right;">Page 162</p> <p>1 MARIA MATTHEWS</p> <p>2 that they were going to -- that needed to be in place in</p> <p>3 order to give us the files -- to give us the matches that</p> <p>4 only include convicted felons who were adjudicated.</p> <p>5 Q. But by the terms of these two documents, how could</p> <p>6 a Supervisors of Elections do any additional verification</p> <p>7 that these individuals had been convicted of a felony?</p> <p>8 A. They are able to go if they wanted to go to the</p> <p>9 clerk of the court and reach out and obtain any additional</p> <p>10 documents that they felt this was not credible and reliable</p> <p>11 on its face.</p> <p>12 Q. But they would have to reach out on their own</p> <p>13 initiative to the clerk of court?</p> <p>14 A. And certainly something they do now on occasion.</p> <p>15 Q. They do now because the Department is no longer</p> <p>16 sending them judgments?</p> <p>17 A. No, they did that before as well. If they look at</p> <p>18 a file and they are not comfortable with it, they may feel</p> <p>19 like they need to obtain additional documents, they can</p> <p>20 reach out to the clerk of the court.</p> <p>21 Q. Okay. I'm going to give you another document</p> <p>22 marked Exhibit 15.</p> <p>23 (Document marked as Exhibit 15</p> <p>24 for identification)</p> <p>25</p>                                               | <p style="text-align: right;">Page 163</p> <p>1 MARIA MATTHEWS</p> <p>2 BY MS. EBENSTEIN:</p> <p>3 Q. Sorry to go back to something first. Did the</p> <p>4 Bureau of Voter Registration do any independent research to</p> <p>5 verify the people identified by DOC were, in fact, serving</p> <p>6 time for a felony conviction?</p> <p>7 A. I'm not sure I understand.</p> <p>8 Q. Did you rely entirely on the assurances of DOC, or</p> <p>9 did BVRS go do independent research to verify the people</p> <p>10 identified by DOC were, in fact, serving time for a felony</p> <p>11 conviction?</p> <p>12 A. Based on the requirements of Department of</p> <p>13 Corrections to identify felons, we relied on their duty to</p> <p>14 identify those for us.</p> <p>15 Q. And anything more than that? Any independent</p> <p>16 research?</p> <p>17 A. We are still going to be making sure that we have</p> <p>18 the right person, that it is a felony conviction. We are</p> <p>19 still going to consult CCIS. We are not necessarily going</p> <p>20 to pull a copy of the judgment. Our position is if you are</p> <p>21 in prison or in custody for a felony conviction</p> <p>22 adjudication, you haven't completed the terms of your</p> <p>23 sentence.</p> <p>24 Q. But specifically how would you know if somebody</p> <p>25 was in -- let me restart that.</p>                                 |
| <p style="text-align: right;">Page 164</p> <p>1 MARIA MATTHEWS</p> <p>2 BVRS did not do any independent research to verify</p> <p>3 that the information, the people that you -- the files that</p> <p>4 you were sent by DOC were, in fact, people incarcerated or</p> <p>5 on supervision for a felony offense; is that correct?</p> <p>6 A. Well, the agency responsible for knowing who is in</p> <p>7 their custody or prison is the Department of Corrections.</p> <p>8 That's who we would consult.</p> <p>9 Q. Okay. If you look now at that email that we have</p> <p>10 marked as Exhibit 15 -- I'm sorry, yes, 15 -- this document</p> <p>11 is an exchange between yourself and the Supervisor of</p> <p>12 Elections of Leon County, correct?</p> <p>13 A. I'm sorry, say that again.</p> <p>14 Q. This document is an email exchange between</p> <p>15 yourself and the Supervisor of Elections for Leon County,</p> <p>16 Mr. Earley?</p> <p>17 A. Yes.</p> <p>18 Q. If you look at the bottom of the second page, I</p> <p>19 believe it's LCSEO001692, and that's an email sent Friday,</p> <p>20 June 7th from Supervisor Earley to you. He says, "The</p> <p>21 screenshot concept does not appear to provide me and my</p> <p>22 staff with enough information to take someone off the voter</p> <p>23 rolls."</p> <p>24 Do you disagree with that statement?</p> <p>25 A. I think that's his own personal statement if he</p> | <p style="text-align: right;">Page 165</p> <p>1 MARIA MATTHEWS</p> <p>2 did not feel comfortable with the information that we</p> <p>3 provided.</p> <p>4 Q. Do you -- is there a different standard for what's</p> <p>5 credible and reliable used at the state level than what's</p> <p>6 used at the county level?</p> <p>7 A. Credible and reliable is what we believe to be</p> <p>8 credible and reliable. If he didn't feel it was credible</p> <p>9 and reliable, that's his prerogative to have felt.</p> <p>10 Q. Is the standard different at the Supervisors of</p> <p>11 Elections -- at the county level than at the state level?</p> <p>12 A. Supervisors of Elections follows the same standard</p> <p>13 that we do, which is is it credible and reliable.</p> <p>14 Q. So you disagree with his statement here that this</p> <p>15 screenshot didn't provide him as a supervisor with enough</p> <p>16 information to take someone off the rolls?</p> <p>17 A. I wouldn't have sent the information if I didn't</p> <p>18 think it was credible and reliable.</p> <p>19 Q. And you said the standard is the same at the</p> <p>20 county level and at the state level on what is credible and</p> <p>21 reliable?</p> <p>22 A. The law simply says credible and reliable.</p> <p>23 Q. Is it up to individual discretion and whimsy?</p> <p>24 A. No.</p> <p>25 MR. JAZIL: Object to the form.</p> |

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| <p style="text-align: right;">Page 166</p> <p>1 MARIA MATTHEWS</p> <p>2 MS. EBENSTEIN: Fair enough.</p> <p>3 BY MS. EBENSTEIN:</p> <p>4 Q. Is it applied differently in every county? Is the</p> <p>5 credible and reliable determination applied differently in</p> <p>6 every county?</p> <p>7 A. I don't know. All I can say is that the</p> <p>8 Supervisors of Elections, if they have any issues with a</p> <p>9 file that we have sent them, they can reach out to us, and</p> <p>10 we will follow up and see if there is something that we may</p> <p>11 have missed, something that we may have misdetermined, and</p> <p>12 that existed before and exists now.</p> <p>13 Q. It looks like here Supervisor Earley did follow up</p> <p>14 with your office?</p> <p>15 A. Correct.</p> <p>16 Q. And it appears that you reiterated that this phase</p> <p>17 you were only looking at information on whether someone is</p> <p>18 in prison or under DOC supervision; is that right?</p> <p>19 A. Correct.</p> <p>20 Q. And so you didn't provide him with any additional</p> <p>21 information related to the matches that he was concerned</p> <p>22 about; is that right?</p> <p>23 A. His email says that he has -- he was asking for</p> <p>24 whether we deemed our files credible and reliable pretty</p> <p>25 much, and we did. We wouldn't have sent them if we didn't</p>                                                                                                                                                                                                     | <p style="text-align: right;">Page 167</p> <p>1 MARIA MATTHEWS</p> <p>2 believe it.</p> <p>3 We were just trying to give him assurance that</p> <p>4 this is just phase 1 in which these are individuals that</p> <p>5 have been affirmed to be in prison or in custody for a</p> <p>6 felony conviction adjudication withheld.</p> <p>7 Q. Is the Division aware that some Supervisors of</p> <p>8 Elections sent notices out without doing additional</p> <p>9 research and just rely entirely on the Division's credible</p> <p>10 and reliable determination?</p> <p>11 A. I think that's a comfort level of each supervisor</p> <p>12 if they wish to take that additional step to review.</p> <p>13 Q. Do you think that all of the counties have</p> <p>14 sufficient resources to make an independent determination</p> <p>15 of whether documentation is credible and reliable?</p> <p>16 A. I can't speak to that.</p> <p>17 Q. But, in fact, your office noted some of the</p> <p>18 additional resources that it would take to make some of</p> <p>19 these -- to make determinations that are credible and</p> <p>20 reliable; is that correct?</p> <p>21 A. That is why we do what we do to the level that we</p> <p>22 do, to ensure that what we are sending down is what we</p> <p>23 believe to be credible and reliable.</p> <p>24 Q. But you are aware that some supervisors rely on</p> <p>25 that entirely without doing independent research?</p>            |
| <p style="text-align: right;">Page 168</p> <p>1 MARIA MATTHEWS</p> <p>2 A. Supervisors of Elections are constitutionally</p> <p>3 elected officers. They can take whatever additional action</p> <p>4 they believe. They still have to follow the law, and they</p> <p>5 still have to provide notice if they are going to -- if</p> <p>6 they feel that that information is credible and reliable.</p> <p>7 If they don't and they make a determination that the person</p> <p>8 is still eligible, they have to record it in our system and</p> <p>9 that's it.</p> <p>10 Q. Okay. Going back for a moment to the June</p> <p>11 memorandum, your internal office memorandum, and looking to</p> <p>12 the plans that you had, the plans in this memo regarding a</p> <p>13 nonmurder, nonsexual offense, what you have as phase 3 of</p> <p>14 this new process. On top of page 3, the memo says, "At</p> <p>15 this juncture, we are unable to determine completion of</p> <p>16 sentence as to court fees on these matches"; is that right?</p> <p>17 A. Correct, at that time.</p> <p>18 Q. And this is still the operative memo in your -- in</p> <p>19 the Bureau of Voter Registration Services, right?</p> <p>20 A. At this time we are not making determinations</p> <p>21 about whether someone has completed the financial</p> <p>22 obligation part of their sentence, that's correct.</p> <p>23 Q. So it's still the policy that you are unable to</p> <p>24 determine completion of sentence as to court fees, right?</p> <p>25 A. Yeah, we are not making that determination.</p> | <p style="text-align: right;">Page 169</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. Okay. Going to -- did there come a time in</p> <p>3 June when you stopped sending felon files for those who</p> <p>4 were on supervision?</p> <p>5 A. Yes.</p> <p>6 Q. And when was that?</p> <p>7 A. I think it was two weeks after or, like, maybe</p> <p>8 three weeks after.</p> <p>9 Q. And why did you decide to stop sending records for</p> <p>10 individuals on supervision to the Supervisors of Elections?</p> <p>11 A. Based on feedback that we had gotten from the</p> <p>12 Supervisors of Elections regarding their certain matches</p> <p>13 that they had gotten on -- primarily on interstate</p> <p>14 felonies. We circled back around with the Department of</p> <p>15 Corrections, and we determined that some of the information</p> <p>16 that they were sending was not so clear-cut in terms of</p> <p>17 making the match, so that we didn't feel comfortable -- not</p> <p>18 that the information wasn't accurate, but it wasn't in a</p> <p>19 way -- we just wanted more time to be able to look more --</p> <p>20 further into it. So we decided that we would pull back on</p> <p>21 those supervision ones.</p> <p>22 Q. Have you restarted sending supervision files?</p> <p>23 A. No. It's part of our revision, and we are</p> <p>24 continuing our work with the Department of Corrections to</p> <p>25 develop file specifications to be sure that we are --</p> |

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| <p style="text-align: right;">Page 170</p> <p>1 MARIA MATTHEWS</p> <p>2 again, since it's their duty to identify for us those</p> <p>3 individuals who are convicted felons adjudicated who are in</p> <p>4 prison, in this particular instance, in prison or under</p> <p>5 supervision.</p> <p>6 MS. EBENSTEIN: Can we go off the record for just</p> <p>7 one moment?</p> <p>8 (Resumed at 2:26 p.m.)</p> <p>9 (Resumed at 2:31 p.m.)</p> <p>10 BY MS. EBENSTEIN:</p> <p>11 Q. Just to recap, in late June, your office stopped</p> <p>12 sending records for people on supervision; is that right?</p> <p>13 A. Yes.</p> <p>14 Q. And were the clerks alerted to that change in the</p> <p>15 nature of the files that you were sending? I'm sorry, not</p> <p>16 the clerk. Were the supervisors told that you were no</p> <p>17 longer going to send records for people who were under</p> <p>18 supervision?</p> <p>19 A. I can't recall if we sent an email or not.</p> <p>20 Q. Were the matches for people that were under</p> <p>21 supervision already sent to the supervisors recalled?</p> <p>22 A. No. If a Supervisor of Elections contacted us</p> <p>23 about any of those, then we would work them one by one to</p> <p>24 see whether there truly was a discrepancy or they were</p> <p>25 reading something incorrectly. So, no, there was no mass</p>                                                                                                                                                                      | <p style="text-align: right;">Page 171</p> <p>1 MARIA MATTHEWS</p> <p>2 recall of any of those files.</p> <p>3 Q. Okay. And the supervisors were never informed</p> <p>4 that there were any issue with the matches of people who</p> <p>5 were under supervision?</p> <p>6 A. Any supervisor who had an issue with the file for</p> <p>7 supervision or in prison and reached out to us, then we</p> <p>8 would have worked with them. And if a file was one that</p> <p>9 they didn't feel was credible and reliable, they could have</p> <p>10 made that call right then and there and determined that the</p> <p>11 match was -- that they would keep the individual on the</p> <p>12 rolls.</p> <p>13 Q. Okay. I am going to give you a document that we</p> <p>14 are marking Exhibit 16.</p> <p>15 (Document marked as Exhibit 16</p> <p>16 for identification)</p> <p>17 BY MS. EBENSTEIN:</p> <p>18 Q. This is your email to all of the Supervisors of</p> <p>19 Elections -- I'm sorry, yes, it's an email contained within</p> <p>20 an email, but this contains your email to all the</p> <p>21 Supervisors of Elections on July 2nd, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And it says -- can you give me a summary of the</p> <p>24 nature of this email?</p> <p>25 A. This email is from me to all the Supervisors of</p> |
| <p style="text-align: right;">Page 172</p> <p>1 MARIA MATTHEWS</p> <p>2 Elections and their staff regarding the signing of Senate</p> <p>3 Bill 7066 into law on June 28th and it taking effect on</p> <p>4 July 1st. We advised that the online voter registration</p> <p>5 system and the statewide voter registration form would now</p> <p>6 reflect the three new statements regarding eligibility on</p> <p>7 felony status.</p> <p>8 Q. And you say in this email "We plan to provide a</p> <p>9 memo outlining all the key provision of election" -- "As in</p> <p>10 the past, we plan to provide a memo outlining all the key</p> <p>11 provisions of election-related laws and providing</p> <p>12 clarification as needed."</p> <p>13 Did you -- have you provided a memo outlining the</p> <p>14 key provisions of SB 7066 and providing clarification to</p> <p>15 the SOEs since writing this email?</p> <p>16 A. We have not provided a memo outlining all the key</p> <p>17 provisions, but we have provided clarification as needed</p> <p>18 and requested of the Supervisors of Elections.</p> <p>19 Q. So does that mean that you have provided a</p> <p>20 response to individual inquiries but not provided a memo to</p> <p>21 all the supervisors?</p> <p>22 A. To the extent that emails exist that were sent to</p> <p>23 all Supervisors of Elections that would refer to any</p> <p>24 clarifying point, if they exist out there, they do.</p> <p>25 Otherwise, yes, it would be just as to a supervisor asking</p> | <p style="text-align: right;">Page 173</p> <p>1 MARIA MATTHEWS</p> <p>2 for a clarification.</p> <p>3 Q. I'm sorry, I'm not sure I understand. Were you</p> <p>4 giving advice in response to individual inquiries, or did</p> <p>5 you send out clarification to the group of supervisors</p> <p>6 since July 2nd?</p> <p>7 A. We did not send a memo outlining all the key</p> <p>8 provisions of the election-related laws. We provided</p> <p>9 clarification as needed and requested by the Supervisors of</p> <p>10 Elections.</p> <p>11 Q. Okay. I'm going to hand you a document marked</p> <p>12 Exhibit 17.</p> <p>13 (Document marked as Exhibit 17</p> <p>14 for identification)</p> <p>15 BY MS. EBENSTEIN:</p> <p>16 Q. Do you recognize this document?</p> <p>17 A. Yes.</p> <p>18 Q. What is it?</p> <p>19 A. This is another draft of the procedures to follow</p> <p>20 for felon matching.</p> <p>21 Q. And it says in red on that first page "We are no</p> <p>22 longer working in phases. All matches will need to be</p> <p>23 worked as explained below."</p> <p>24 What led to the Division's decision to no longer</p> <p>25 work in the three phases that are currently in place?</p>                                                                                                                           |

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| <p style="text-align: right;">Page 174</p> <p>1 MARIA MATTHEWS</p> <p>2 A. What that meant was that we were going to take</p> <p>3 each match and go through the analysis that we would</p> <p>4 normally do or that we would -- should be doing, and that</p> <p>5 is, first, is the person in prison or under supervision.</p> <p>6 If not, then is it a felony sexual offense or murder. And</p> <p>7 if not, then the analysis would be on the financial</p> <p>8 obligation, although recognizing that we would only be able</p> <p>9 to go so far with that one. Our initial focus was simply</p> <p>10 on those individuals who were in prison or under DOC</p> <p>11 supervision.</p> <p>12 Q. Okay. On page 2 of this memo, just under</p> <p>13 section 2 it says, "A judgment is required for all matched</p> <p>14 case files. No exceptions."</p> <p>15 Does that mean that if or when this new policy in</p> <p>16 this memorandum eventually goes into place that you will</p> <p>17 restart collecting and sending a judgment for all matched</p> <p>18 cases?</p> <p>19 A. For which it is available, yes.</p> <p>20 Q. Okay.</p> <p>21 A. That was our -- at this August 7, 2019, version.</p> <p>22 Q. And it says "No exceptions." So I assume that any</p> <p>23 finalized match file would require a judgment; is that</p> <p>24 right?</p> <p>25 A. Any credible and reliable based on this version</p> | <p style="text-align: right;">Page 175</p> <p>1 MARIA MATTHEWS</p> <p>2 right here, I don't know what any later version says, we</p> <p>3 would -- if a judgment is available, would be required to</p> <p>4 be included in the match case file.</p> <p>5 Q. But currently you don't include a judgment in the</p> <p>6 case file, right?</p> <p>7 A. At this point we are still only doing persons in</p> <p>8 prison.</p> <p>9 Q. And you currently don't include a judgment in that</p> <p>10 case file, right?</p> <p>11 A. That's correct.</p> <p>12 Q. Okay. I would like to look first at identifying</p> <p>13 matches. I think you said this before, that an identity</p> <p>14 match requires three demographic data points for the</p> <p>15 Division to consider it a hit; is that correct? Or a</p> <p>16 different word, but I use it to say for the Division to</p> <p>17 consider it a match, it has to have three matching data</p> <p>18 points; is that right?</p> <p>19 A. Three demographic matching points, correct.</p> <p>20 Q. In your time with the Department, have three data</p> <p>21 points, three matching data points, been sufficiently</p> <p>22 reliable to determine whether a registered voter and a</p> <p>23 convicted felon are the same person?</p> <p>24 A. At least during my tenure that's been the case.</p> <p>25 Q. Are you aware of a program called Crosscheck?</p>                                                                                   |
| <p style="text-align: right;">Page 176</p> <p>1 MARIA MATTHEWS</p> <p>2 Wrote out of the Kansas Secretary of State's Office?</p> <p>3 A. I am familiar with that, yes.</p> <p>4 Q. Did Florida participate in Crosscheck?</p> <p>5 A. One year.</p> <p>6 Q. And when did Florida stop participating in</p> <p>7 Crosscheck?</p> <p>8 A. I think the year that we participated was either</p> <p>9 2012 or 2013.</p> <p>10 Q. Why did Florida withdraw from Crosscheck?</p> <p>11 A. We did not feel that the information was credible</p> <p>12 and reliable to be able to be matched because you can't use</p> <p>13 personal identifying information -- you couldn't share</p> <p>14 personal identifying information or get it necessarily from</p> <p>15 the other states. We had reservations about sharing</p> <p>16 information for which we had not -- we felt we wanted to</p> <p>17 get the legislature approval to participate in those</p> <p>18 things.</p> <p>19 Q. Understood.</p> <p>20 Do you know how many demographic data points</p> <p>21 Crosscheck required for a match?</p> <p>22 A. No.</p> <p>23 Q. Turn now to page 2 to 3 of this document. The</p> <p>24 draft memo explains that your staff will be using the</p> <p>25 financial summary information on CCIS to determine if the</p>                                                                                                            | <p style="text-align: right;">Page 177</p> <p>1 MARIA MATTHEWS</p> <p>2 terms of sentence, including restitution, court fees, and</p> <p>3 fines, have been completed for a felony nonmurder/nonsexual</p> <p>4 offense conviction. And you give some examples here on</p> <p>5 page 3. An example of paid. Explain to me what that</p> <p>6 means.</p> <p>7 A. This example of paid is a screenshot from CCIS</p> <p>8 which shows two rows. One is assessment showing a total of</p> <p>9 \$800, and then the next column showing something that says</p> <p>10 paid \$808, and then the final column showing balance due</p> <p>11 zero.</p> <p>12 Q. Okay. So even if the balance due is zero on the</p> <p>13 CCIS summary, it says here these files need to be sent to</p> <p>14 FCOR because restitution is not tracked by CCIS; is that</p> <p>15 right?</p> <p>16 A. At this point we believe that -- we are not</p> <p>17 confident that the information that no restitution may have</p> <p>18 been ordered. Now, of course, we can -- if we have</p> <p>19 available documentation that shows it, then that might be</p> <p>20 something different. But, yes, if restitution -- if it</p> <p>21 cannot be determined whether restitution was -- if ordered</p> <p>22 was paid, then one of the proposals was to forward this to</p> <p>23 the Florida Commission on Offender Review to conduct</p> <p>24 further research.</p> <p>25 Q. So even if there is a CCIS balance of zero, you</p> |

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| <p style="text-align: right;">Page 178</p> <p>1 MARIA MATTHEWS</p> <p>2 still can't rely on the fact that all financial obligations</p> <p>3 are paid because they may have outstanding restitution; is</p> <p>4 that correct?</p> <p>5 A. We are still in a learning process of what this</p> <p>6 screen means, so this is our preliminary analysis of it.</p> <p>7 But through continuing input with the clerks of court, we</p> <p>8 are hoping to see what does this information mean in the</p> <p>9 financial summary screen and how much it can be relied on</p> <p>10 in terms of being information that is current for purposes</p> <p>11 of determining whether financial obligations have been met.</p> <p>12 Q. Even if there is an outstanding balance of zero</p> <p>13 with CCIS, how would you determine whether somebody still</p> <p>14 owes financial obligations that have been converted to a</p> <p>15 civil lien?</p> <p>16 A. That will be something we will learn in the</p> <p>17 process.</p> <p>18 Q. Do you know at this point sitting here?</p> <p>19 A. No.</p> <p>20 Q. And even if the balance is zero for CCIS, do you</p> <p>21 know whether that shows that there is also a zero balance</p> <p>22 for debts that were sold from counties to collection</p> <p>23 agencies?</p> <p>24 A. At this time I can't say that, no.</p> <p>25 Q. And even if the CCIS balance shows zero, that no</p>                                                           | <p style="text-align: right;">Page 179</p> <p>1 MARIA MATTHEWS</p> <p>2 money is owed, does that -- do you know if that reflects</p> <p>3 older cases that -- if that reflects older cases?</p> <p>4 A. Again, depending on what records are available in</p> <p>5 CCIS. Ultimately the law -- if we are not able to make a</p> <p>6 determination that's credible and reliable that we are</p> <p>7 comfortable with, we are not going to proceed regardless of</p> <p>8 what we see on here.</p> <p>9 Q. And if an individual voter is unable to make a</p> <p>10 determination of their civil liens, debts to collection</p> <p>11 agencies, older cases, or restitution, would you suggest</p> <p>12 that they still register to vote?</p> <p>13 A. Again, I'm not going to make the call for these</p> <p>14 individuals. This is something that they have to -- they</p> <p>15 are swearing under oath that they are eligible, and that's</p> <p>16 only -- only they can make that.</p> <p>17 Q. And if there was a voter who was -- who had a</p> <p>18 balance of zero but they were unsure whether they still had</p> <p>19 obligation and civil liens, collection agency debts, older</p> <p>20 cases, or restitutions, but they were on the rolls already,</p> <p>21 would you suggest that they cast a vote or they abstain</p> <p>22 from voting?</p> <p>23 A. Again, that is the individual. They are the ones</p> <p>24 on the hook for determining whether they are eligible or</p> <p>25 not. Only they are going to know. If they have any doubt</p> |
| <p style="text-align: right;">Page 180</p> <p>1 MARIA MATTHEWS</p> <p>2 about it, they need to go to the clerk of the court and</p> <p>3 look at the term of their sentence. I would presume they</p> <p>4 know what their terms are and whether they have satisfied</p> <p>5 them.</p> <p>6 Q. But the clerk of court wouldn't be able to tell</p> <p>7 that individual voter. They would not be able to tell them</p> <p>8 they have a balance of zero with the clerk of courts</p> <p>9 record?</p> <p>10 A. I'm sorry, say that again.</p> <p>11 Q. The clerks of court do not tell that individual</p> <p>12 voter whether they had outstanding financial obligations.</p> <p>13 The clerk of court can simply confirm that the balance is</p> <p>14 zero, right?</p> <p>15 A. I don't know what the clerk of court could tell</p> <p>16 them. A person who is registered to vote is eligible to</p> <p>17 vote until such time as they are determined to be</p> <p>18 ineligible and removed from the rolls.</p> <p>19 Q. You said you don't know what the clerk could tell</p> <p>20 an individual voter, but you know that the clerk of court</p> <p>21 records here cannot tell your office to a level that you</p> <p>22 find credible and reliable that restitution is not owed or</p> <p>23 that civil liens are not outstanding or that collection</p> <p>24 agency debts have been paid or that obligations from older</p> <p>25 cases have been satisfied; is that right?</p> | <p style="text-align: right;">Page 181</p> <p>1 MARIA MATTHEWS</p> <p>2 A. We are still in conversations with the clerks of</p> <p>3 the court to understand what this financial summary is and</p> <p>4 what available documentation and data they have regarding</p> <p>5 financial obligations.</p> <p>6 Q. Okay. But sitting here today, you can't rely on</p> <p>7 that data on the clerk of court information for those four</p> <p>8 categories of debt; is that right?</p> <p>9 A. I could not proceed at this point, no.</p> <p>10 Q. The category here going below two steps where it</p> <p>11 says "Example of outstanding fees," this appears to pertain</p> <p>12 to the files for which a debt is still showing up in the</p> <p>13 CCIS database. Do I have that right?</p> <p>14 A. This appears to show that there was an assessment</p> <p>15 and that there is still that same assessment outstanding.</p> <p>16 Q. So these files would be valid and sent to the</p> <p>17 Supervisors of Elections for processing, right?</p> <p>18 A. That is what this particular statement says.</p> <p>19 However, upon further research, we will need to know</p> <p>20 whether that total, which in this particular example shows</p> <p>21 \$969, whether that was -- that represents the financial</p> <p>22 obligation that was part of the original sentence.</p> <p>23 Q. Okay.</p> <p>24 A. We are still learning a lot about what does this</p> <p>25 information mean, whether it's -- and how it relates to the</p>                                |

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| <p style="text-align: right;">Page 182</p> <p>1 MARIA MATTHEWS</p> <p>2 terms of the sentence.</p> <p>3 Q. So here in this example, the CCIS data does not</p> <p>4 indicate which financial obligations were ordered at</p> <p>5 sentencing versus accrued later on, is that what you are</p> <p>6 saying?</p> <p>7 A. That is correct. This does not break out what the</p> <p>8 original -- although we can look -- I presume we would be</p> <p>9 able to look to the sentencing document to see what was</p> <p>10 ordered. But to determine whether this represents what was</p> <p>11 ordered in the sentence and/or more than that after, the</p> <p>12 interests that could have been accrued after, which is</p> <p>13 referenced in the law.</p> <p>14 Q. Okay. And the CCIS database does not -- does</p> <p>15 aggregate misdemeanor financial obligations from felony</p> <p>16 financial obligations; is that right?</p> <p>17 A. I don't know at this time.</p> <p>18 Q. Do you know whether the CCIS database</p> <p>19 distinguishes between financial obligations that are</p> <p>20 written into a conviction document versus a sentence</p> <p>21 document?</p> <p>22 A. I do not know.</p> <p>23 Q. Do you know whether there is a difference between</p> <p>24 a conviction document or a sentence document?</p> <p>25 A. If the convictions document has the terms of the</p> | <p style="text-align: right;">Page 183</p> <p>1 MARIA MATTHEWS</p> <p>2 sentence, then we would consider that to be a sentence</p> <p>3 document.</p> <p>4 Q. Do you know if all 67 counties use the same format</p> <p>5 for sentencing documents?</p> <p>6 A. No, I know for a fact that they do not at this</p> <p>7 time. At least from the examples of the case files that we</p> <p>8 have gotten.</p> <p>9 Q. So you have looked through case files from</p> <p>10 different judicial circuits really, and they use a</p> <p>11 different format for what they include in the judicial</p> <p>12 documents and sentencing documents; is that right?</p> <p>13 A. Again, we are working with the clerks of the</p> <p>14 courts to determine the format of how these judgments or</p> <p>15 sentence documents are entered. Even if they have uniform</p> <p>16 methods right now, it may not -- for older cases it may not</p> <p>17 necessarily be. So we are still researching.</p> <p>18 Q. For an individual voter, let's say someone who had</p> <p>19 a local election coming up in early November, what would</p> <p>20 you suggest that they consider part of the four corners of</p> <p>21 the sentencing document?</p> <p>22 A. I'm sorry, say that again.</p> <p>23 Q. Sure. I believe you just said that your office is</p> <p>24 not sure and still researching which documents are</p> <p>25 considered the four corners of the documents for purposes</p> |
| <p style="text-align: right;">Page 184</p> <p>1 MARIA MATTHEWS</p> <p>2 of financial obligations; is that right?</p> <p>3 A. Whatever document contains the terms of the</p> <p>4 sentence are going to be the sentence documents.</p> <p>5 Q. So it's not the four corners of the sentencing</p> <p>6 document, it's anywhere that the terms of the sentence are</p> <p>7 contained?</p> <p>8 A. There is not necessarily a single document. A</p> <p>9 sentence document would be any document that has the terms</p> <p>10 of the sentence. That's the way we would look at it.</p> <p>11 Q. Okay. And what would the Division suggest a voter</p> <p>12 do? You have a voter help line; is that right?</p> <p>13 A. Yes.</p> <p>14 Q. What would the Division suggest a voter do to</p> <p>15 determine which financial obligations are included in a</p> <p>16 sentencing document?</p> <p>17 A. They would need to contact the clerk of the court.</p> <p>18 Q. Okay. So your office couldn't tell them one way</p> <p>19 or another what they should look at?</p> <p>20 A. No.</p> <p>21 Q. If you look at the bottom of page 3, "Cases Not</p> <p>22 being worked at this time," does the CCIS database provide</p> <p>23 any information on financial obligations for federal</p> <p>24 crimes?</p> <p>25 A. No.</p>                                                                         | <p style="text-align: right;">Page 185</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. Determining outstanding financial obligations for</p> <p>3 federal crimes for your office is a manual process, right?</p> <p>4 A. Correct, we would consult PACER for the federal</p> <p>5 felonies.</p> <p>6 Q. And you would have to affirmatively go to the</p> <p>7 correct database to try to identify financial obligations</p> <p>8 for federal felonies, right?</p> <p>9 A. For federal felonies we will consult the PACER</p> <p>10 database, and if it's not available on there, then we would</p> <p>11 reach out to the clerk of the court for the jurisdictions</p> <p>12 in which the conviction was made.</p> <p>13 Q. But at this point you are not making those</p> <p>14 determinations?</p> <p>15 A. That's correct.</p> <p>16 Q. Why not?</p> <p>17 A. Because I am not comfortable with the information</p> <p>18 that we have in terms of being able to establish a process.</p> <p>19 We are letting -- we are still gathering information so</p> <p>20 that we can establish a process. Part of it is we are</p> <p>21 waiting to see what the workgroup figures out on</p> <p>22 consolidation of data. At this juncture we are not</p> <p>23 proceeding.</p> <p>24 Q. When does the workgroup finish its work?</p> <p>25 A. The workgroup has a report that is due to the</p>                                                                                              |

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| <p style="text-align: right;">Page 186</p> <p>1                    MARIA MATTHEWS</p> <p>2       legislature by November 1st of this year.</p> <p>3            Q.    Okay. And so I presume you don't expect</p> <p>4       additional information from the working group until</p> <p>5       November 1st at the earliest; is that correct?</p> <p>6            A.    That's correct.</p> <p>7            Q.    Okay. What would somebody do to determine their</p> <p>8       outstanding financial obligations if they had a felony</p> <p>9       conviction before the workgroup issues its report?</p> <p>10          A.    Again, we would direct them to the clerk of the</p> <p>11       court in which their conviction was made.</p> <p>12          Q.    I believe you just said the clerks of the courts</p> <p>13       don't have information on financial obligations for</p> <p>14       felonies?</p> <p>15          A.    They would go to the clerk of the court to the</p> <p>16       jurisdiction in which they had the felony offense.</p> <p>17          Q.    Okay.</p> <p>18          A.    If they were convicted in a federal district court</p> <p>19       in Pennsylvania, they would have to go there. Not</p> <p>20       literally go there, but contact them. If it's an out of</p> <p>21       state, they would have to go to that state court clerk and</p> <p>22       the jurisdiction in which they were convicted.</p> <p>23          Q.    Okay. And do you know whether federal courts</p> <p>24       collect information on payment of, for example,</p> <p>25       restitution?</p>                                                                                               | <p style="text-align: right;">Page 187</p> <p>1                    MARIA MATTHEWS</p> <p>2            A.    No, I do not.</p> <p>3            Q.    Do you know if federal courts collect information</p> <p>4       on payments of fines?</p> <p>5            A.    I do not.</p> <p>6            Q.    Do you know if federal courts distinguish between</p> <p>7       financial obligations initially made part of the sentence</p> <p>8       and those accrued at a later time?</p> <p>9            A.    I do not. Until we end up handling these cases, I</p> <p>10       won't know until then.</p> <p>11          Q.    Do you know if federal courts distinguish between</p> <p>12       those financial obligations included in a sentencing</p> <p>13       document and those elsewhere in a criminal record?</p> <p>14          A.    No.</p> <p>15          Q.    Okay. For out-of-state matches, similarly, this</p> <p>16       document says "We will be reworking the interstate cases</p> <p>17       once the workgroup has had a chance to meet."</p> <p>18                Do you know if CCIS provides information on</p> <p>19       financial information for out-of-state cases?</p> <p>20          A.    I believe they do not.</p> <p>21          Q.    So is it correct that the Division cannot here</p> <p>22       today identify credible and reliable information on whether</p> <p>23       a prospective voter is ineligible if that voter has an</p> <p>24       out-of-state conviction?</p> <p>25          A.    I'm sorry, repeat your question.</p>                                                              |
| <p style="text-align: right;">Page 188</p> <p>1                    MARIA MATTHEWS</p> <p>2            Q.    Is it correct that the Division is unable to</p> <p>3       identify credible and reliable information to determine</p> <p>4       whether a prospective voter has outstanding financial</p> <p>5       obligations for an out-of-state conviction?</p> <p>6            A.    We have not researched a case in which we have had</p> <p>7       to make that determination for whether it was a</p> <p>8       nonmurder/nonfelony sexual offense as to their financial</p> <p>9       obligations.</p> <p>10          Q.    You haven't had to research a case with an</p> <p>11       out-of-state conviction?</p> <p>12          A.    We've researched out-of-state conviction cases,</p> <p>13       although we are not doing any at this point. We have not</p> <p>14       done any for sure that are with a financial obligation</p> <p>15       angle to it. So if the felony is a not a murder or not a</p> <p>16       felony sexual offense, we have not done a case research on</p> <p>17       whether the financial obligation has been satisfied.</p> <p>18          Q.    How would you suggest a voter with an out-of-state</p> <p>19       conviction determine their outstanding financial</p> <p>20       obligations for an out-of-state conviction?</p> <p>21          A.    Same manner as any other felon, to go ahead and</p> <p>22       contact the clerk of court in the jurisdiction in which</p> <p>23       they were convicted.</p> <p>24          Q.    What would you suggest they do if that clerk of</p> <p>25       court does not keep information of outstanding financial</p> | <p style="text-align: right;">Page 189</p> <p>1                    MARIA MATTHEWS</p> <p>2       obligations?</p> <p>3            A.    I don't know. That seems like they would need</p> <p>4       maybe -- I don't know.</p> <p>5            Q.    Would you recommend that they register to vote?</p> <p>6            A.    Again, I am not going to advise anyone to register</p> <p>7       that they are -- because they have to affirm whether they</p> <p>8       are eligible or not. If they are comfortable affirming</p> <p>9       that and they believe that, then that's their decision to</p> <p>10       make.</p> <p>11          Q.    If somebody does have outstanding financial</p> <p>12       obligation for an out-of-state conviction, and they are on</p> <p>13       the registration rolls, would you suggest that they cancel</p> <p>14       their registration?</p> <p>15          A.    No.</p> <p>16          Q.    Would you suggest that they cast a ballot?</p> <p>17          A.    No. Well, my point is, and I made it before, is</p> <p>18       that if you are a registered voter, you are deemed eligible</p> <p>19       until you are determined to be ineligible and you are</p> <p>20       removed from the rolls.</p> <p>21          Q.    So just to make sure that I understand how that</p> <p>22       would apply to individuals voters, if an individual voter</p> <p>23       knows that they have outstanding financial obligations out</p> <p>24       of state, and they are on the Florida voter registration</p> <p>25       rolls, should they cast a ballot, assuming that your office</p> |



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| <p style="text-align: right;">Page 190</p> <p>1 MARIA MATTHEWS</p> <p>2 has not taken them off the rolls?</p> <p>3 A. Ultimately it's the responsibility of the voter to</p> <p>4 know whether they are eligible or not, and it's their</p> <p>5 decision whether they are going to vote or not.</p> <p>6 Q. If they know that they have outstanding financial</p> <p>7 obligations, should they cast their ballot?</p> <p>8 MR. JAZIL: Counselor, she has answered the</p> <p>9 question. She said it's the individual voter's</p> <p>10 decision. You have asked the question a series of</p> <p>11 times at this point.</p> <p>12 MS. EBENSTEIN: Okay. I understand she answered</p> <p>13 if they know they were eligible or not.</p> <p>14 BY MS. EBENSTEIN:</p> <p>15 Q. I'm saying if they have outstanding financial</p> <p>16 obligations, should they cast their ballot?</p> <p>17 MR. JAZIL: You have asked that same question as</p> <p>18 well.</p> <p>19 BY MS. EBENSTEIN:</p> <p>20 Q. You can go ahead and answer.</p> <p>21 A. Every voter is responsible for their own</p> <p>22 determination of whether they are eligible or not. They</p> <p>23 are going to know. They are the ones that are having to</p> <p>24 swear under oath. If they believe that they are eligible,</p> <p>25 they have the right to vote.</p>           | <p style="text-align: right;">Page 191</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. Okay. Based on the individual voter's personal</p> <p>3 belief?</p> <p>4 A. We all have to affirm whether we are -- when you</p> <p>5 fill out an application, that you affirm that you are --</p> <p>6 that you are eligible.</p> <p>7 Q. And for out-of-state and federal felony</p> <p>8 convictions, do Supervisors of Elections have any more</p> <p>9 access to those records than the Division of Elections?</p> <p>10 A. Again, Supervisors of Elections, just like the</p> <p>11 Department of State, may act on receipt or access to</p> <p>12 information that they may have that someone is ineligible,</p> <p>13 so they can act on it if they want. I don't know if</p> <p>14 Supervisors of Elections have received directly</p> <p>15 out-of-state or fed felon conviction records upon which</p> <p>16 they can act or not.</p> <p>17 MS. EBENSTEIN: It's 3:00 now. We are just going</p> <p>18 to take another ten minutes if you don't mind.</p> <p>19 (Recessed at 3:03 p.m.)</p> <p>20 (Resumed at 3:20 p.m.)</p> <p>21 BY MS. EBENSTEIN:</p> <p>22 Q. Going back on the record, Director Matthews, I'm</p> <p>23 going to hand you a document that we will mark Exhibit 18.</p> <p>24 (Document marked as Exhibit 18</p> <p>25 for identification)</p>                                                                                                                                                          |
| <p style="text-align: right;">Page 192</p> <p>1 MARIA MATTHEWS</p> <p>2 BY MS. EBENSTEIN:</p> <p>3 Q. Are you familiar with that document?</p> <p>4 A. Yes.</p> <p>5 Q. And what is it?</p> <p>6 A. This is the Voter Assistance Hotline manual that</p> <p>7 is used by our staff to answer questions that are received</p> <p>8 through the Voter Assistance Hotline.</p> <p>9 Q. If you could explain for me briefly what is the</p> <p>10 Voter Assistance Hotline?</p> <p>11 A. The Voter Assistance Hotline is the statewide</p> <p>12 hotline to assist voters with questions. And this manual</p> <p>13 represents some of the more frequently asked questions and</p> <p>14 provides a guide for our staff to be able to answer.</p> <p>15 Q. Who among your staff answers the questions that</p> <p>16 come in from the Voter Assistance Hotline?</p> <p>17 A. Primarily the staff that staff the hotline are</p> <p>18 those that work in the Bureau of Voter Registration</p> <p>19 Services.</p> <p>20 Q. Okay. And do they trade off on who is staffing</p> <p>21 the hotline, or is there one primary person for it?</p> <p>22 A. Everybody except I believe the OPS are the ones</p> <p>23 that answer -- can receive a voter assistance call.</p> <p>24 Q. Is there documentation of the incoming calls and</p> <p>25 inquiries?</p> | <p style="text-align: right;">Page 193</p> <p>1 MARIA MATTHEWS</p> <p>2 A. They do record the calls that come in for staff</p> <p>3 purposes. They have categories of -- broad categories of</p> <p>4 being able to say, you know, a call came in and it was</p> <p>5 related to voter registration or it was related to voting</p> <p>6 or it was related to the initiative petition process or</p> <p>7 something like that. They have a menu.</p> <p>8 Q. So those records are kept electronically?</p> <p>9 A. Those are -- we have records. I don't know how</p> <p>10 they are kept, but we do have records, yes.</p> <p>11 Q. Okay. And what's the date on the front of this</p> <p>12 manual?</p> <p>13 A. This is May 1, 2019.</p> <p>14 Q. If you could go to page 25 in the manual. On that</p> <p>15 page at the top of the page it says, "I would like to</p> <p>16 register to vote but I'm a convicted felon. Who do I</p> <p>17 call?"</p> <p>18 Your office sets forth here that if someone is</p> <p>19 convicted of a felony other than murder or felony sexual</p> <p>20 offense, it explains that their right to vote is restored</p> <p>21 upon completing all terms of the sentence, and it suggests</p> <p>22 that they contact the clerk of court in the county where</p> <p>23 they were convicted to find the documents that contain the</p> <p>24 terms of their sentence or contact the FDOC or the local</p> <p>25 probation or parole office for additional information about</p> |

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| <p style="text-align: right;">Page 194</p> <p>1 MARIA MATTHEWS</p> <p>2 the terms of the sentence; is that right?</p> <p>3 A. Yes.</p> <p>4 Q. And I believe we just went through some of the</p> <p>5 limitations of the clerks of court. If somebody could not</p> <p>6 access all of the information from the clerk of court, what</p> <p>7 would they do?</p> <p>8 A. Again, as stated here, the clerk of court, the</p> <p>9 Florida Department of Corrections, or the local probation</p> <p>10 or parole officer in the jurisdiction in which they were</p> <p>11 convicted.</p> <p>12 Q. So if, for example, their original case file was</p> <p>13 destroyed, lost, unavailable, not applicable, or some of</p> <p>14 the other difficulties that your staff has run into with</p> <p>15 the county clerks of court, what would you suggest they do?</p> <p>16 A. I really don't know at that point.</p> <p>17 Q. Is there any standardized response from those who</p> <p>18 receive phone calls on the Voter Assistance Hotline on what</p> <p>19 they should tell somebody to do?</p> <p>20 A. No, I wouldn't have them going into that at all.</p> <p>21 That would be here is your guidance, and you should be able</p> <p>22 to have that information -- be able to access that</p> <p>23 information from the clerk of the court or the Department</p> <p>24 of Corrections or their local probation or parole officer.</p> <p>25 I don't know where else to refer them.</p>                                                                          | <p style="text-align: right;">Page 195</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. Okay. On page 27 of the manual, there is a note</p> <p>3 to the staff that says, "If the caller wishes to report a</p> <p>4 convicted felon without rights restored who is registered</p> <p>5 and/or voting, refer to information to question; Who do I</p> <p>6 call to file a voter fraud/elections fraud complaint?" Is</p> <p>7 that right?</p> <p>8 A. Yes.</p> <p>9 Q. So if somebody calls up and says that an</p> <p>10 individual with outstanding financial obligations is</p> <p>11 voting, based on this manual, the employees who are</p> <p>12 staffing the hotline should point the caller to information</p> <p>13 on how to file a voter fraud complaint?</p> <p>14 A. If a staff member got a call and says, look, I</p> <p>15 know somebody who is a convicted felon and they shouldn't</p> <p>16 be voting or they shouldn't be registered, we would direct</p> <p>17 them to you are welcome to file a voter fraud or elections</p> <p>18 fraud complaint. Because then that gets them to be</p> <p>19 specific about it and what information they have, and we</p> <p>20 will research it.</p> <p>21 Q. So even though your office is not sending felon</p> <p>22 match files to Supervisors of Elections, a caller could</p> <p>23 potentially file a voter fraud complaint if they knew</p> <p>24 somebody with outstanding financial obligation was</p> <p>25 registered and intended to vote; is that right?</p>                              |
| <p style="text-align: right;">Page 196</p> <p>1 MARIA MATTHEWS</p> <p>2 A. That is the law right now, that anybody who wishes</p> <p>3 to file an election fraud complaint or voter fraud</p> <p>4 complaint can do so if they believe that somebody is not</p> <p>5 eligible to be registered. That election fraud complaint,</p> <p>6 though, will be investigated and looked into.</p> <p>7 Q. Who does that investigation?</p> <p>8 A. The preliminary office that looks into it would be</p> <p>9 the Department of State and it's filed with us. And then</p> <p>10 if there -- the Bureau of Voter Registration Services would</p> <p>11 provide whatever assistance to the legal counsel to find</p> <p>12 out what information we can find out. So that would mean</p> <p>13 looking up the voter registration record, looking up -- we</p> <p>14 would contact Florida Department of State -- Department of</p> <p>15 Corrections or the Florida Department of Law Enforcement,</p> <p>16 ask them, hey, do you have any information that may suggest</p> <p>17 that this registered voter is a felon, assuming we haven't</p> <p>18 had a prior match on that person.</p> <p>19 Q. And is there a requirement that you respond to</p> <p>20 fraud complaints?</p> <p>21 A. Yes. This is set out I think it's in 97.12, the</p> <p>22 duties of election fraud complaint investigating.</p> <p>23 Q. Is there a time frame that you have to respond to</p> <p>24 an election fraud complaint?</p> <p>25 A. This fraud -- an election fraud complaint is</p> | <p style="text-align: right;">Page 197</p> <p>1 MARIA MATTHEWS</p> <p>2 incorporated by reference into an election fraud rule,</p> <p>3 which is 1S-2.025. I don't remember if we have put</p> <p>4 specific time frames in there as to when we are supposed to</p> <p>5 process it.</p> <p>6 Q. Okay. So just to make sure that I understand,</p> <p>7 even though your office is not affirmatively sending felon</p> <p>8 matches for people who have outstanding financial</p> <p>9 obligations, it would be required to investigate -- it</p> <p>10 would refer a caller who said that there was an ineligible</p> <p>11 registered voter voting, it would refer that voter --</p> <p>12 excuse me, that caller to make a fraud complaint, and it</p> <p>13 would have to investigate that fraud complaint; is that</p> <p>14 right?</p> <p>15 A. All I know is that if -- most times someone is</p> <p>16 probably not going to be on the call saying this person</p> <p>17 hasn't paid their -- you know, I don't know.</p> <p>18 The bottom line is if a person says I know that</p> <p>19 there is somebody who is a convicted felon, I believe that</p> <p>20 they are not -- they shouldn't be on the rolls or they</p> <p>21 shouldn't have voted, that individual is directed to how</p> <p>22 they can file an elections fraud if they wish to do so. We</p> <p>23 don't tell them that they have to, just simply that is the</p> <p>24 way you would submit your complaint.</p> <p>25 Q. If somebody filed one, your office would</p> |

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| <p style="text-align: right;">Page 198</p> <p>1 MARIA MATTHEWS</p> <p>2 investigate it?</p> <p>3 A. Correct.</p> <p>4 Q. What's the outcome of an investigation? Does it</p> <p>5 either get closed or acted upon or is there another option?</p> <p>6 A. No, it gets acted on. If it's -- acted on meaning</p> <p>7 we will look into it, and if we find that the individual --</p> <p>8 if there was a prior match and for whatever reason it</p> <p>9 couldn't be, you know, there was insufficient documentation</p> <p>10 at that time, we will revisit it and see if now we have</p> <p>11 credible and reliable information. That's one course.</p> <p>12 And then, of course, if we determine it to be</p> <p>13 credible and reliable, we send it to the Supervisors of</p> <p>14 Elections, and then that process begins, the due process</p> <p>15 for notice to the voter.</p> <p>16 Q. Okay.</p> <p>17 A. Meanwhile, if it's because the person has -- we</p> <p>18 determined that the -- the investigation that the person</p> <p>19 voted and shouldn't have, it will depend on what</p> <p>20 information we may forward to the prosecuting attorney.</p> <p>21 Q. And you would complete that investigation not only</p> <p>22 for people who are incarcerated or on supervision, but for</p> <p>23 any criteria of ineligibility that you found credible and</p> <p>24 reliable, right?</p> <p>25 A. Right. Now, recognizing that there was something,</p> | <p style="text-align: right;">Page 199</p> <p>1 MARIA MATTHEWS</p> <p>2 I don't remember now if it was in the law or not, about the</p> <p>3 time frame between Constitutional Amendment 4 taking effect</p> <p>4 and the state law taking effect that individuals would not</p> <p>5 be prosecuted for registering if they thought that they</p> <p>6 were eligible and then turned out not to be.</p> <p>7 Q. That's for criminal prosecution, right?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. But if somebody registered -- I believe</p> <p>10 that safe harbor period was from January 8, 2019, until</p> <p>11 July 1, 2019. If somebody with outstanding financial</p> <p>12 obligation registered after July 1st, your office -- and</p> <p>13 your office was informed that they were a registered voter</p> <p>14 who intended to vote, you would investigate and process</p> <p>15 that file, let's call it, right?</p> <p>16 A. If we received information and we hadn't received</p> <p>17 it through our normal sources of identifying.</p> <p>18 Q. You are not processing those, right? You are not</p> <p>19 processing the financial obligation?</p> <p>20 A. Not right now, no.</p> <p>21 Q. So if you received it through an individual</p> <p>22 caller's complaint, you would process that complaint?</p> <p>23 A. I would still research it. And if we are not</p> <p>24 forwarding files based on that right now, then perhaps, no,</p> <p>25 we probably wouldn't proceed further with that. I haven't</p> |
| <p style="text-align: right;">Page 200</p> <p>1 MARIA MATTHEWS</p> <p>2 gotten a situation like that.</p> <p>3 Q. I'm going to give you a series of documents. I</p> <p>4 will mark this document as Exhibit 19.</p> <p>5 (Document marked as Exhibit 19</p> <p>6 for identification)</p> <p>7 BY MS. EBENSTEIN:</p> <p>8 Q. I will give you a moment to review.</p> <p>9 A. (Witness reviewing document.)</p> <p>10 Q. I will give you another document now. These are a</p> <p>11 series of emails that were related, but they were produced</p> <p>12 as separate documents. It might be easier for you to look</p> <p>13 at them as a group. That's marked Exhibit 20.</p> <p>14 (Document marked as Exhibit 20</p> <p>15 for identification)</p> <p>16 BY MS. EBENSTEIN:</p> <p>17 Q. For Exhibit 19, at the top of the page is an email</p> <p>18 from August 9, 2019, at 8:18 a.m. Can you just summarize</p> <p>19 for me what this email is about?</p> <p>20 A. I'm sorry, can you say which one again?</p> <p>21 Q. Sure. I believe it is Exhibit 19, the Bates stamp</p> <p>22 number at the bottom right is DOSG-0007581.</p> <p>23 A. No, this is not.</p> <p>24 Q. Have I given you the --</p> <p>25 MR. JAZIL: I have 000055.</p>                                                                                                                                                                                                                              | <p style="text-align: right;">Page 201</p> <p>1 MARIA MATTHEWS</p> <p>2 MS. EBENSTEIN: Let me give you one additional</p> <p>3 document.</p> <p>4 BY MS. EBENSTEIN:</p> <p>5 Q. We can start with what you have. Let me just</p> <p>6 check the Bates number so I don't cause additional</p> <p>7 confusion. Exhibit 19 is DOSG-0000055. What is this</p> <p>8 document?</p> <p>9 A. This document is an email from me to Deputy</p> <p>10 Secretary Christie Fitz-Patrick regarding statistical</p> <p>11 information on felon matching and registration in response</p> <p>12 to an inquiry from the legislative staff.</p> <p>13 Q. Do you regularly receive inquiry from legislative</p> <p>14 staff seeking voting-related statistics?</p> <p>15 A. Periodically we do.</p> <p>16 Q. Did you receive similar inquiries for</p> <p>17 voting-related statistics between November 2018 and the</p> <p>18 start of the legislative session?</p> <p>19 A. I can't recall.</p> <p>20 Q. Do you recall any other instance where you were</p> <p>21 asked for statistics related to Amendment 4 implementation?</p> <p>22 A. No, I can't recall at this time.</p> <p>23 Q. And what do you set out here or relay to Christie</p> <p>24 Fitz-Patrick in response to that inquiry?</p> <p>25 A. The Senate committee on criminal justice was</p>                                                                                                                                                                                  |

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| <p style="text-align: right;">Page 202</p> <p>1 MARIA MATTHEWS</p> <p>2 asking about some statistical information regarding felon</p> <p>3 matching and registration during the period of June 8 and</p> <p>4 June 30th, so we compiled some statistical information on</p> <p>5 the number of matches that were sent to counties based on</p> <p>6 persons identified as being in prison or supervision.</p> <p>7 Without the attachment right next to it -- and then the</p> <p>8 second attachment -- actually, it should be three.</p> <p>9 The BVRS, and that refers to the unit, matching</p> <p>10 statistics so they have an idea of the amount of matches</p> <p>11 that we do from those time frames comparable to the January</p> <p>12 to July 30th date. So we wanted to see -- compare how many</p> <p>13 matches were made from January 2019 to June 30, 2019, and</p> <p>14 how did that compare to 2017 and 2018 in that same time</p> <p>15 frame.</p> <p>16 Q. Okay. And if you could just explain for me what</p> <p>17 is the 22 to 23 percent. What does that represent? If I'm</p> <p>18 understanding it correctly, those are the percent of the</p> <p>19 automated matches that your office receives from FDLE and</p> <p>20 FDOC that are not in the end validated based on your own</p> <p>21 research?</p> <p>22 A. Right. As I mentioned earlier in the deposition,</p> <p>23 on average we get 22 to 23 percent of the matches, the</p> <p>24 automated matches that we look at, we end up determining to</p> <p>25 be invalid. Now, it could be for identity reasons,</p> | <p style="text-align: right;">Page 203</p> <p>1 MARIA MATTHEWS</p> <p>2 identity mismatch. It could be because the felony is not</p> <p>3 really a felony. It could be that we don't even have</p> <p>4 sufficient documentation to be able to make the credible</p> <p>5 and reliable match.</p> <p>6 Q. Turning now to the next document I gave you,</p> <p>7 Exhibit 20. And if you wouldn't mind just confirming for</p> <p>8 me on the bottom right the Bates number is DOSG-0004953?</p> <p>9 A. Correct.</p> <p>10 Q. If you look about two-thirds the way down the</p> <p>11 page, that lists the matches that your office -- the 2019</p> <p>12 valid and invalid matches; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. And the 2019 valid matches are about 3,264 with</p> <p>15 the invalid matches 1,276; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. And that's about a 27 or 28 percent error rate.</p> <p>18 Was that -- would you consider the DOC FDLE matches from</p> <p>19 earlier this year to be a reliable metric?</p> <p>20 Let me ask this first: That's considerably higher</p> <p>21 than in years past; is that right?</p> <p>22 A. I am just looking at the email here of 28 percent</p> <p>23 versus 27 in 2018. I can't remember what it was in 2017.</p> <p>24 That's part of the reason why we are working with these</p> <p>25 agencies, working with these agencies to improve the file</p> |
| <p style="text-align: right;">Page 204</p> <p>1 MARIA MATTHEWS</p> <p>2 specs of the information that we get.</p> <p>3 Q. And the file specs that you began receiving in</p> <p>4 early June, I believe earlier you said that you relied on</p> <p>5 DOC's representation that they were only sending you file</p> <p>6 specs for people incarcerated or under supervision; is that</p> <p>7 right?</p> <p>8 A. Yes.</p> <p>9 Q. So were the matches in this category just based on</p> <p>10 misidentification or some other category?</p> <p>11 A. These do not only represent only DOC. These would</p> <p>12 have been matches that we would have also gotten from FDLE</p> <p>13 which we would then compare with DOC data as well.</p> <p>14 Q. Do you have any indication of how successful your</p> <p>15 office is at working matches to find these false positives</p> <p>16 from the automatic data match?</p> <p>17 A. They have gotten -- over the years since we have</p> <p>18 now been in the business of it since 2006, the matching has</p> <p>19 gotten a lot better. We are always also revisiting the</p> <p>20 criteria and making sure that we are good with the credible</p> <p>21 and reliable match.</p> <p>22 Q. It looks like it's gotten worse here, no, based on</p> <p>23 the document number 4953 from 2017 until 2019. The number</p> <p>24 found to be invalid increased significantly. Does that</p> <p>25 mean that the specs with DOC have, in fact, brought more</p>                                                                                                | <p style="text-align: right;">Page 205</p> <p>1 MARIA MATTHEWS</p> <p>2 invalid matches?</p> <p>3 A. It just means that we are finding the match -- it</p> <p>4 could be that the DOC or it could be that their court --</p> <p>5 again, if the court records, we can't find records for</p> <p>6 these matches -- I guess in the end it's just that those</p> <p>7 are the matches that we have determined to be invalid. The</p> <p>8 percentage is what they are, and in the end that means we</p> <p>9 aren't sending anything down to the counties for those</p> <p>10 invalid matches. That means 1,276 potential matches are</p> <p>11 not sent down to the counties and the voter remains on the</p> <p>12 rolls.</p> <p>13 Q. And do you track how many of the matches that you</p> <p>14 sent to the county, separate and apart from whatever</p> <p>15 research they do independently, how many of those they find</p> <p>16 valid or invalid?</p> <p>17 A. No, we have not run that analysis.</p> <p>18 Q. Okay. Do you have data sufficient to do that type</p> <p>19 of analysis?</p> <p>20 A. Based on the number of matches that we send down</p> <p>21 and the number they end up removing. Essentially that's</p> <p>22 what it will be.</p> <p>23 Q. Right.</p> <p>24 A. It would be those that are removed of the universe</p> <p>25 that we send down.</p>                                                       |

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| <p style="text-align: right;">Page 206</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. Right, so in the same way that you are able to</p> <p>3 construct here the percentage of those matches that DOC,</p> <p>4 FDLE sent to you that you validate and send on, would you</p> <p>5 be able to determine how many of the universe of matches</p> <p>6 that you send on to Supervisors of Elections they validate</p> <p>7 and send on to the voter?</p> <p>8 A. The way it works is we send the file down to the</p> <p>9 supervisors. The supervisors could make a determination at</p> <p>10 that juncture that they are not going to remove somebody.</p> <p>11 So what we would have is a determination -- we would</p> <p>12 compare what we have sent down and what the supervisor has</p> <p>13 recorded. It could be if a person -- even if they send</p> <p>14 notice to a voter, and the voter comes back and says I have</p> <p>15 additional information that shows I am eligible, that</p> <p>16 doesn't mean that our match was incorrect to begin with.</p> <p>17 It means that's the information that we had that we</p> <p>18 believed at that point in time to be credible and reliable.</p> <p>19 Q. Right. But in the example you just gave, the</p> <p>20 information was, in fact, incorrect, right?</p> <p>21 A. Well, it's that we didn't have the information</p> <p>22 that the voter now has, which is why there is that safety</p> <p>23 net of that due process in law.</p> <p>24 Q. Right. And had the voter not gone to the</p> <p>25 supervisor within 30 days with documentation different from</p>                     | <p style="text-align: right;">Page 207</p> <p>1 MARIA MATTHEWS</p> <p>2 the documentation that your office and the supervisor's</p> <p>3 office reviewed, that voter would have been removed from</p> <p>4 the rolls, right?</p> <p>5 A. Correct. And then if that voter realized that and</p> <p>6 came back and goes, no, you have made a mistake, that voter</p> <p>7 can be reinstated at any time.</p> <p>8 Q. Okay. How often do voters -- how often are voters</p> <p>9 able to produce documentation within 30 days in response to</p> <p>10 a supervisor's request?</p> <p>11 A. I don't know because we are not involved in that</p> <p>12 part of it. That's between the Supervisors of Elections</p> <p>13 and the voter.</p> <p>14 Q. So you don't track in any way how often voters</p> <p>15 respond to a notice by submitting additional documentation</p> <p>16 of their eligibility to a supervisor?</p> <p>17 A. No.</p> <p>18 Q. Okay. What type of documentation would a voter</p> <p>19 have to provide to a supervisor in response to a notice to</p> <p>20 remain on the rolls?</p> <p>21 A. Whatever documentation they believe is necessary</p> <p>22 to show that either it's not them or it's not a felony</p> <p>23 conviction or that adjudication has been withheld or that</p> <p>24 the felony conviction was downgraded to a misdemeanor.</p> <p>25 Q. But what kind of documentation would be sufficient</p> |
| <p style="text-align: right;">Page 208</p> <p>1 MARIA MATTHEWS</p> <p>2 for that? They couldn't just show a drawing that their</p> <p>3 child made, right? An attempt at humor, but I understand.</p> <p>4 A. It sets out in law whatever they -- whatever they</p> <p>5 want to bring forward to show that they are eligible is</p> <p>6 what they are allowed to do. So I don't know that there is</p> <p>7 a universe that says you can only bring this or that.</p> <p>8 Q. And does that mean if there is not a concrete list</p> <p>9 of documents that they could present, that Supervisors of</p> <p>10 Elections would make that determination separately, as in</p> <p>11 could supervisors -- different supervisors accept different</p> <p>12 documentation to prove eligibility?</p> <p>13 A. Since the Supervisors of Elections are charged</p> <p>14 with the responsibility, which based on my years of</p> <p>15 experience with the Supervisors of Elections they take this</p> <p>16 very seriously, they are not going to remove someone unless</p> <p>17 they are -- they have looked at the case file, whatever</p> <p>18 information that the voter has provided, and make that</p> <p>19 determination about whether someone is eligible or not.</p> <p>20 Q. As far as uniformity, there is not a uniform type</p> <p>21 of documentation that somebody needs to present to show to</p> <p>22 a Supervisor of Elections that they are, in fact, eligible;</p> <p>23 is that right?</p> <p>24 A. It may depend on what the reason is for why the</p> <p>25 person believes that they are eligible or not. Is it,</p> | <p style="text-align: right;">Page 209</p> <p>1 MARIA MATTHEWS</p> <p>2 again, an identity mismatch? No, this is not me or this is</p> <p>3 not a felony conviction, or, yes, I did have a felony</p> <p>4 conviction, but I have a document here what shows it was</p> <p>5 adjudication withheld. It's going to be a case-by-case</p> <p>6 basis.</p> <p>7 Q. Okay. What section of the Florida Constitution</p> <p>8 did Amendment 4 amend?</p> <p>9 A. Article 6.</p> <p>10 Q. Do you know which section in Article 6?</p> <p>11 A. Section? I'm sorry. Section 4.</p> <p>12 Q. Okay. I think we have one last document that we</p> <p>13 will mark as Exhibit 21.</p> <p>14 (Document marked as Exhibit 21</p> <p>15 for identification)</p> <p>16 BY MS. EBENSTEIN:</p> <p>17 Q. And what is this document?</p> <p>18 A. This document is the Florida Voter Registration</p> <p>19 Application Form, DS-DE number 39, which is July 2019.</p> <p>20 Q. And your office is currently accepting these forms</p> <p>21 for registration, right?</p> <p>22 A. We receive -- we may receive completed</p> <p>23 applications, and we forward those to the Supervisors of</p> <p>24 Elections. We are the ones that prescribe the form.</p> <p>25 Q. Is your office accepting the old voter</p>                                                                                                                                                 |

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| <p style="text-align: right;">Page 210</p> <p>1 MARIA MATTHEWS</p> <p>2 registration forms if those come in completed?</p> <p>3 A. Through one of these emails that we previously</p> <p>4 reviewed, we had told the Supervisors of Elections that the</p> <p>5 old forms would be accepted as well.</p> <p>6 Q. Is that still currently the case?</p> <p>7 A. Yes.</p> <p>8 Q. If you look at question 2 on this form, what did</p> <p>9 the prior form say in question 2?</p> <p>10 Let me rephrase that. How has the form changed in</p> <p>11 this updated version with respect to question 2?</p> <p>12 A. The form currently has three checkboxes related to</p> <p>13 felony whereas previously it had one checkbox relating to</p> <p>14 felony eligibility status, and a statement that's spelled</p> <p>15 out in law what the exact wording is.</p> <p>16 Q. And somebody here would have to check one of three</p> <p>17 boxes, either that they were never convicted of a felony,</p> <p>18 that their rights have been restored through clemency, or</p> <p>19 that their rights have been restored pursuant to the</p> <p>20 constitutional provision you just named upon all terms of</p> <p>21 sentencing including parole and probation; is that right?</p> <p>22 A. A person can check one or more or all of the</p> <p>23 boxes.</p> <p>24 Q. Wouldn't it --</p> <p>25 A. Whichever is applicable.</p> | <p style="text-align: right;">Page 211</p> <p>1 MARIA MATTHEWS</p> <p>2 Q. Would it be valid if they checked both that they</p> <p>3 have never been convicted of a felony and that they have</p> <p>4 been convicted of a felony but had their rights restored?</p> <p>5 A. Yes.</p> <p>6 Q. So somebody could check --</p> <p>7 A. If they believe that they have never been</p> <p>8 convicted of a felony, let's say that they -- at least for</p> <p>9 one felony they were convicted but adjudication withheld,</p> <p>10 they may think that statement one applies. And then they</p> <p>11 have another felony for which they were convicted of a</p> <p>12 felony, but they have since had their rights restored by</p> <p>13 clemency, or, again, they could have been convicted of</p> <p>14 another felony after that and completed all the terms of</p> <p>15 their sentence. So all three could apply.</p> <p>16 Q. Okay. So it would be considered a facially valid</p> <p>17 form if somebody checked not one, but two or three of the</p> <p>18 boxes?</p> <p>19 A. Correct.</p> <p>20 Q. Do you know if the online voter registration</p> <p>21 allows people to check more than one box?</p> <p>22 A. My understanding is that there was supposed to be</p> <p>23 a program change that would allow them to do that.</p> <p>24 Q. As it currently stands?</p> <p>25 A. I don't know that that change has been made yet.</p> |
| <p style="text-align: right;">Page 212</p> <p>1 MARIA MATTHEWS</p> <p>2 I know that we were -- they were directed to do so.</p> <p>3 Q. And do you think the average registrant looking at</p> <p>4 this form can affirm that their rights have been restored</p> <p>5 pursuant to Section 4 Article 6? Would they know that</p> <p>6 particular site to the Florida Constitution?</p> <p>7 A. I can't speak to the voter. All I can see is that</p> <p>8 the Florida legislature prescribed the exact statement that</p> <p>9 is supposed to be included.</p> <p>10 Q. Looking at the last line within question 2, it</p> <p>11 says, "upon the completion of all terms of my sentence,</p> <p>12 including parole and probation."</p> <p>13 That's language from SB 7066, correct, not the</p> <p>14 constitutional amendment?</p> <p>15 A. In what way?</p> <p>16 Q. The added comma, which may change that from being</p> <p>17 a restrictive clause to being a nonrestrictive clause.</p> <p>18 A. Again, that's the wording that is in the state</p> <p>19 law.</p> <p>20 Q. Okay. Just to confirm, it's in the state law, not</p> <p>21 in the constitutional amendment?</p> <p>22 A. I don't have the constitutional amendment before</p> <p>23 me.</p> <p>24 Q. If you could go back to Exhibit 1 -- sorry,</p> <p>25 Exhibit 2.</p>                                                                              | <p style="text-align: right;">Page 213</p> <p>1 MARIA MATTHEWS</p> <p>2 A. Anyway, this statement is as it's worded in the</p> <p>3 state law.</p> <p>4 Q. Okay. If somebody had a conviction from, for</p> <p>5 example, if they were a Wisconsin resident and were</p> <p>6 convicted of a crime and had their rights restored in</p> <p>7 Wisconsin and moved to Florida, they couldn't affirm that</p> <p>8 they had never been convicted of a felony, right?</p> <p>9 A. If they had been convicted of a felony, they would</p> <p>10 not be able to affirm that.</p> <p>11 Q. And they couldn't affirm that their voting rights</p> <p>12 have been restored by the Board of Executive Clemency,</p> <p>13 right?</p> <p>14 A. My understanding is that at least in the past the</p> <p>15 Florida Commission on Offender Review would grant sometimes</p> <p>16 a Florida-only clemency.</p> <p>17 Q. For somebody who had their rights restored before</p> <p>18 moving to Florida?</p> <p>19 A. I'm sorry. I apologize. Can you repeat again?</p> <p>20 Q. Sure. For somebody who had their rights restored</p> <p>21 before moving to Florida, they could not -- I think we</p> <p>22 agree they cannot check that first box to say that they</p> <p>23 have never been convicted of a felony since they had been</p> <p>24 convicted of a felony.</p> <p>25 Could they check that second box to say their</p>                       |

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| <p style="text-align: right;">Page 214</p> <p>1 MARIA MATTHEWS</p> <p>2 voting rights have been restored by the Board of Executive</p> <p>3 Clemency, if, in fact, their voting rights had been</p> <p>4 restored prior to moving to Florida not through the Board</p> <p>5 of Executive Clemency?</p> <p>6 A. I guess. It would depend on what the restoration</p> <p>7 laws were in the state of conviction.</p> <p>8 Q. So you believe that this does not refer to the</p> <p>9 Florida Board of Clemency, it just refers to a board of</p> <p>10 clemency?</p> <p>11 A. I'm saying what an individual, if they are reading</p> <p>12 this, they may think that's the case.</p> <p>13 Q. Okay. If their rights were restored, in many</p> <p>14 states, as I'm sure you have researched, individuals'</p> <p>15 rights are restored when they are released from</p> <p>16 incarceration automatically. Presumably they couldn't</p> <p>17 check the box saying their rights have been restored from a</p> <p>18 Board of Executive Clemency if their rights have not been</p> <p>19 restored by a Board of Executive Clemency, correct?</p> <p>20 A. Yes, if it hasn't been -- if it hasn't been</p> <p>21 restored by a Board of Executive Clemency, then they would</p> <p>22 not be able to affirm that.</p> <p>23 Q. As far as the third checkbox, somebody who had had</p> <p>24 their rights restored before moving to Florida could not</p> <p>25 affirm that their rights have been restored pursuant to the</p> | <p style="text-align: right;">Page 215</p> <p>1 MARIA MATTHEWS</p> <p>2 Florida Constitution; is that correct?</p> <p>3 A. I don't know. I think that that's something that</p> <p>4 I would have to -- I would probably consult my legal</p> <p>5 counsel on that.</p> <p>6 Q. And what would a voter do if they didn't have</p> <p>7 legal counsel looking at this registration form?</p> <p>8 A. Again, that's going to be their decision to make</p> <p>9 about whether they feel they can affirm that statement and</p> <p>10 submit this application under oath.</p> <p>11 Q. If they couldn't affirm any of those three</p> <p>12 statements, what should they do?</p> <p>13 A. An individual who is unable to affirm the required</p> <p>14 fields in this application are then not -- that application</p> <p>15 would be deemed incomplete.</p> <p>16 Q. Okay. And just to make sure that I'm clear, that</p> <p>17 relates to their application, not their eligibility?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. Have you received feedback from any of the</p> <p>20 Supervisors of Elections on this new form?</p> <p>21 A. We are currently in rulemaking, and they are</p> <p>22 providing feedback through that process.</p> <p>23 Q. Have you received feedback from third-party voter</p> <p>24 registration organizations about this form?</p> <p>25 A. We had a rulemaking workshop, and there were --</p> |
| <p style="text-align: right;">Page 216</p> <p>1 MARIA MATTHEWS</p> <p>2 there was public input.</p> <p>3 Q. Okay. Those are written submissions usually or</p> <p>4 testimony?</p> <p>5 A. They are a mix.</p> <p>6 Q. Okay. Have you heard from individual voters on --</p> <p>7 have you received feedback from individual voters on this</p> <p>8 form?</p> <p>9 A. I don't know if we have off individual voters.</p> <p>10 They would have been at the workshop, so they might have</p> <p>11 been there as representatives within a group, or they might</p> <p>12 have been there on their own.</p> <p>13 Q. Okay. And have you received any phone calls or</p> <p>14 inquiries through your hotline or otherwise from voters</p> <p>15 unsure how to utilize the new form?</p> <p>16 A. I have not queried my staff on that.</p> <p>17 Q. Okay.</p> <p>18 MS. EBENSTEIN: If you will just give us one</p> <p>19 moment, we may be finishing up.</p> <p>20 (Discussion held off the record.)</p> <p>21 BY MS. EBENSTEIN:</p> <p>22 Q. A couple more questions.</p> <p>23 Are there standardized forms that the counties</p> <p>24 send to voters to initiate removal, the notice that we have</p> <p>25 been talking about, if somebody is matched as ineligible?</p>                                                                                                                                                                                                                                                | <p style="text-align: right;">Page 217</p> <p>1 MARIA MATTHEWS</p> <p>2 A. 98.075(7) lays out what the notice to the voter</p> <p>3 has to include, the actual notice. And if the notice is</p> <p>4 undeliverable, then it lays out what needs to be in the</p> <p>5 published notice. But there is no template that's been</p> <p>6 formalized.</p> <p>7 Q. Have you received inquiries from Supervisors of</p> <p>8 Elections on what they should include in a new template?</p> <p>9 A. Yes.</p> <p>10 Q. How do you respond to those inquiries?</p> <p>11 A. At this time we have not -- their inquiry, at</p> <p>12 least the one that I can recall, is regarding the</p> <p>13 instructions to the voter. They developed a form, and they</p> <p>14 were asking for our input.</p> <p>15 Q. Okay. Has your office referred anyone for</p> <p>16 prosecution for unlawfully registering of voting?</p> <p>17 A. Not that I'm aware of.</p> <p>18 Q. Okay.</p> <p>19 MS. EBENSTEIN: That is all the questions that I</p> <p>20 have for you. Your counsel may want to ask you -- I</p> <p>21 guess we should go to the phones.</p> <p>22 We are going to keep the deposition open, again,</p> <p>23 because we did not receive documents that we requested</p> <p>24 two and a half months ago either at all or until</p> <p>25 during your deposition. So we may want to use the</p>                                     |

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| <p style="text-align: right;">Page 218</p> <p>1 MARIA MATTHEWS</p> <p>2 remaining time or additional time to ask you more</p> <p>3 questions once we have had a fair opportunity to go</p> <p>4 through these documents.</p> <p>5 Folks on the phone, are there any questions?</p> <p>6 Any redirect?</p> <p>7 MR. JAZIL: We don't have any questions. We will</p> <p>8 read.</p> <p>9 Just for the record, we were provided a Notice of</p> <p>10 Deposition Duces Tecum. We provided material to</p> <p>11 counsel despite the fact that the notice did not</p> <p>12 specify what was being asked for. The material that</p> <p>13 was provided is an up-to-date copy of Ms. Matthews'</p> <p>14 own personal folder less the privileged material.</p> <p>15 MS. EBENSTEIN: Sorry, just to make one more thing</p> <p>16 clear, because I do appreciate that you gave us these</p> <p>17 documents now. We did receive 14,000 documents</p> <p>18 36 hours ago. Obviously that does not provide us, as</p> <p>19 we have explained by emails, maybe not with you, but</p> <p>20 with your colleagues, that doesn't provide us with</p> <p>21 enough time to review those documents. Many of these</p> <p>22 documents have not been produced, so we are seeing</p> <p>23 them for the first time in the midst of a deposition.</p> <p>24 MR. JAZIL: Understood. I would simply</p> <p>25 incorporate by reference the response of my colleague</p> | <p style="text-align: right;">Page 219</p> <p>1 MARIA MATTHEWS</p> <p>2 sent this morning.</p> <p>3 MS. EBENSTEIN: Likewise. Thank you.</p> <p>4 THE STENOGRAPHER: Did you need to order?</p> <p>5 MS. EBENSTEIN: Yes.</p> <p>6 THE STENOGRAPHER: Mo, did you need a copy?</p> <p>7 MR. JAZIL: Yes.</p> <p>8 THE STENOGRAPHER: John, did you need a copy?</p> <p>9 MR. JAZIL: Sure.</p> <p>10 THE STENOGRAPHER: Do you need a rough draft?</p> <p>11 MR. TOPAZ: Depends on how long it will take you</p> <p>12 to get a final draft.</p> <p>13 (Discussion held off the record.)</p> <p>14 MS. EBENSTEIN: We would like it expedited, early</p> <p>15 Monday if that's okay.</p> <p>16 THE STENOGRAPHER: Sure.</p> <p>17 (Thereupon, the proceedings were adjourned</p> <p>18 at 4:06 p.m.)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p style="text-align: right;">Page 220</p> <p>1 CERTIFICATE OF OATH</p> <p>2</p> <p>3 STATE OF FLORIDA )</p> <p>4 COUNTY OF LEON )</p> <p>5</p> <p>6</p> <p>7 I, the undersigned authority, certify that the</p> <p>8 above-named witness personally appeared before me and was</p> <p>9 duly sworn.</p> <p>10</p> <p>11 WITNESS my hand and official seal this 16th day of</p> <p>12 September, 2019.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17 Tamra K. Piderit</p> <p>18 Florida Professional Reporter</p> <p>19 Registered Professional Reporter</p> <p>20 Registered Merit Reporter</p> <p>21 Registered Diplomat Reporter</p> <p>22 Certified Realtime Reporter</p> <p>23 Notary Public, State of Florida</p> <p>24 My Commission #FF922382</p> <p>25 Expires January 19, 2020</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p style="text-align: right;">Page 221</p> <p>1 CERTIFICATE OF REPORTER</p> <p>2</p> <p>3 STATE OF FLORIDA )</p> <p>4 COUNTY OF LEON )</p> <p>5</p> <p>6 I, Tamra K. Piderit, Florida Professional</p> <p>7 Reporter, Registered Diplomat Reporter, Certified Realtime</p> <p>8 Reporter, and Certified LiveNote Reporter, certify that the</p> <p>9 foregoing proceedings were taken before me at the time and</p> <p>10 place therein designated; that my shorthand notes were</p> <p>11 thereafter translated under my supervision; and the</p> <p>12 foregoing pages numbered 1 through 219 are a true and</p> <p>13 correct record of the aforesaid proceedings.</p> <p>14 I further certify that I am not a relative,</p> <p>15 employee, attorney or counsel of any of the parties, nor am</p> <p>16 I a relative or employee of any of the parties' attorneys</p> <p>17 or counsel connected with the action, nor am I financially</p> <p>18 interested in the action.</p> <p>19 DATED this 16th day of September, 2019.</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Tamra K. Piderit</p> <p>24 Florida Professional Reporter</p> <p>25 Registered Professional Reporter</p> <p>Registered Merit Reporter</p> <p>Registered Diplomat Reporter</p> <p>Certified Realtime Reporter</p> |



ERRATA SHEET  
DO NOT WRITE ON THE TRANSCRIPT  
ENTER CHANGES ON THIS PAGE

Re: Kelvin Leon Jones, et al. v. Ron DeSantis, et al.  
4:19-cv-00300-RH-MJF  
Maria Matthews  
September 13, 2019

| Page | Line | Change | Reason |
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[illegible]

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Date \_\_\_\_\_ Maria Matthews \_\_\_\_\_

Job No. 167639

| A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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